

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-2263-SB of 2004 (O&M)

Date of decision : 4.4.2018

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Jaspal Singh @ Jassa

.....Appellant

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Prateek Pandit, Advocate
for the appellant.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Accused - Jaspal Singh @ Jassa booked in FIR No. 41 dated 7.5.2001, for an offence under Section 15 of NDPS Act, registered in Police Station Dhilwan, District Kapurthala, on the allegations that on 7.5.2001 in the area of T-point link road, Harniawala, via village Dhilwan to Miani Fattuchak, when apprehended by a Police Party from Police Station Dhilwan, led by ASI Davinder Singh, he was carrying a plastic bag on his left shoulder, which on being searched was found to contain poppy husk.

A sample of 250 grams was drawn from the recovered poppy husk

and the residue came out to be 9 kgs 750 grams. The sample and bulk were converted into sealed parcels. The accused was arrested. Ruqa was sent to the Police Station, which formed the basis of registration of the formal FIR. The case was investigated and thereafter challan was filed in the Court. After trial, the accused was convicted for an offence under Section 15 of the NDPS Act and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.20,000/- and in default of payment of fine to undergo further rigorous imprisonment for four months, vide judgment and order of conviction dated 6.11.2004.

The accused-convict preferred an appeal in this Court which came up for hearing on 19.11.2004, when it was admitted. The fine had already been deposited by the appellant-convict in the trial Court.

I have heard learned counsel for the appellant-convict, learned State counsel, besides going through the record.

Learned counsel representing appellant convict states that he does not challenge the judgment passed by the Judge Special Court, Kapurthala on the point of conviction, but wants to put forward submissions as regards the sentence part. According to him, the incident relates to the year 2001 i.e. about 17 years back; the appellant does not have any past criminal record and after being granted bail by this Court, he has not indulged in any criminal activity; that he has undergone more than 4 months of imprisonment and now he has got married and has two minor children and his entire family is dependent upon him for financial support. Therefore, a

lenient view in the matter be take. That he was of young age of 26 years at the time of recovery and further he belongs to a poor strata of society.

As per the custody certificate filed by the State counsel, the appellant is shown to have undergone total sentence of 4 months and 3 days of imprisonment out of substantive sentence of 2 years. He is not shown to be involved in any other criminal case. In my view, the ends of justice would be adequately met if while maintaining the conviction of the accused, his sentence is reduced to the one already undergone by him in this case. Ordered accordingly.

The appeal stands disposed of, accordingly.

4.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No