

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2430-SB of 2004
Date of Decision: 31.07.2018

Man Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rakesh Nagpal, Advocate
for the appellant.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

This is appeal against judgment and order of conviction dated 30.11.2004, vide which appellant-Man Singh was convicted for offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for a period of eight months and to pay a fine of ₹1000/-.

2. Case of prosecution, in brief, is that on 12.11.2002, ASI Hem Chander alongwith his police party was present near Power House Chaku Ladana, when the appellant was witnessed carrying a plastic bag of white colour on his head. On signal to stop he threw the plastic bag on the road and ran towards fields but was apprehended. Due to fall on the road, the plastic bag opened and poppy-husk spread on the road. Two samples of 100 gms. each were taken from the poppy-husk and remaining on weighment was found to be 19 kgs. 800 gms.

3. Learned counsel for the appellant has not challenged the conviction of the appellant recorded by the trial Court. He has only confined his submissions for leniency in the quantum of sentence awarded to appellant.

He has argued that appellant is not a previous convict and as per custody certificate of appellant dated 30.07.2018, produced by learned State counsel, appellant has never indulged in any such activity or found involved in any case even after his conviction on 30.11.2004. The appellant has undergone 05 months and 09 days of imprisonment and keeping in view facts of the case, the period of sentence may be reduced to the sentence already undergone by him.

4. Learned State counsel has argued that the appellant was apprehended by the police party and recovery of 20 kgs. of poppy-husk was effected from him.

5. Keeping in view facts as discussed above and antecedents of appellant, I am of the opinion that this appeal calls for taking a lenient view regarding quantum of sentence awarded to the appellant. Neither the appellant was involved in any case prior to registration of instant FIR nor after his conviction in the year 2004 he was found involved in any such case. A long time of 14 years has elapsed after the sentence of appellant was suspended and instead of sending him behind bars at this stage, sentence awarded to the appellant is modified and reduced to the sentence already undergone by him. However, sentence of fine is enhanced by ₹10,000/- over and above fine already imposed. The appellant will deposit the fine before the trial Court within a period of two weeks, failing which he will undergo sentence of three months for non-payment of fine.

6. As a sequel of my above discussion, this appeal is partly accepted.

Copy of this order be conveyed to all the concerned.

July 31, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No