

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Criminal Appeal No.S-1262-SB of 2005 (O&M)
Date of Decision: August 13, 2018**

Gurdeep Singh @ Deepi and another

.....APPELLANT(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ankur Jain, Advocate for
Mr. Nandan Jindal, Advocate
for the appellant (s).

Mr. Sandeep Kumar, D.A.G. Punjab.

SURINDER GUPTA, J.

This is appeal against the judgment of conviction and order of sentence both dated 25.07.2005, whereby both the appellants have been convicted for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 in case FIR No.273 dated 11.10.2003 registered at Police Station Dhuri and sentenced to undergo rigorous imprisonment for one year each and to pay a fine of ₹500/- each. In default of payment of fine, they were directed to further undergo rigorous imprisonment for four months each.

As per case of the prosecution, appellants were apprehended by police party headed by Inspector Balwinder Singh, SHO, Police Station Dhuri on 11.10.2003 and recovery of 32 kgs of poppy husk was effected

from their joint possession.

Learned counsel for the appellants has not challenged the conviction of the appellants on merits and confined his submission only for a lenient view regarding quantum of sentence. He has argued that appellant Gurdeep Singh @ Deepi was 29 years of age while appellant Sukha Singh was 50 years of age, at the time of occurrence. Both were not previous convicts and even after their conviction in this case, they have not indulged in any such activity or any case has been registered against them. Appellant Gurdeep Singh has already undergone imprisonment of 5 months 6 days and appellant Sukha Singh has already undergone imprisonment of 5 months 23 days, as such, the sentence awarded to them be reduced to the period already undergone by them.

Learned State counsel on going through the custody certificate has endorsed the submission of learned counsel for the appellants that appellants were not previous convicts and even after their conviction in this case in the year 2005, no other case has been registered against them.

Perusal of the file shows that appellant Gurdeep Singh was 29 years of age while appellant Sukha Singh was 50 years of age at the time when they were arrested in this case on 11.10.2003 and poppy husk was recovered from their joint possession. Keeping in view the fact that both were not previous convicts or have not indulged in any illegal activities after their conviction in the year 2005; and that recovery of 32 Kgs of poppy husk was effected from their joint possession, I am of the considered opinion that a lenient view regarding quantum of sentence should be taken in this case. Consequently, the appeal is partly allowed. While upholding

the judgment of conviction of the appellants, their sentence is reduced from rigorous imprisonment for one year each to the period of imprisonment already undergone by them. However, sentence of fine imposed upon the appellants is affirmed.

Appeal stands disposed of accordingly.

August 13, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***