

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

CRA-S No.2535-SB of 2011 (O&M)
Date of Decision: 18.05.2018

Shiv Charan

..... Appellant

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: None for the appellant.

Mr. Ravi Dutt Sharma, DAG, Haryana.

RAJESH BINDAL, J.

Custody certificate of appellant produced by learned counsel for the State today in Court is taken on record.

The appellant has filed the present appeal challenging his conviction in FIR No.20 dated 01.02.2011 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the “NDPS Act”) registered at Police Station Sadar Ambala, District Ambala. The appellant herein has been convicted and sentenced to undergo imprisonment for a period of 10 years and also to pay a fine of ₹ 1,00,000/-. The recovery in the present case was 1Kg. 360 gm. of *Charas*. The appeal was admitted on 05.10.2011. Subsequent application filed seeking suspension of sentence was dismissed as withdrawn on 30.08.2017, noticing the fact that the appellant was granted parole for four weeks on 22.04.2013 and he was to surrender in Jail on 21.05.2013, but failed to do so.

Learned counsel for the State submitted that the appellant has not surrendered till today though period of more than 5 years has been passed.

Be that as it may, as the appellant herein has not surrendered after availing parole for more than 5 years back, we do not deem it appropriate to hear the appeal on merits and the same is hereby dismissed. However, with liberty to the appellant to get the same revived, in case he surrender back.

The State shall make earnest efforts to arrest the accused-convict.

(RAJESH BINDAL)
JUDGE

18.05.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No