

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

CRA-S-1451-SB-2018 (O&M)

Date of Decision:- 17.11.2018

Surjeet Singh and others

... Appellants

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nagar Singh, Advocate, for
Mr. Satbir Gill, Advocate, for the appellants.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The appellants assailed order dated 15.3.2018 passed in pursuance of judgment dated 09.03.2018 passed by the Court of learned Additional Sessions Judge, Sirsa and also the said judgment whereby the appellants have been held guilty of having committed an offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 for possessing 15 k.g. of poppy husk and have been sentenced to undergo rigorous imprisonment for one year and to pay fine amounting to ₹2,000/- each.

Today at the very outset, learned counsel for the appellants submits that he restricts his submissions to the quantum of sentence only and that the sentence of imprisonment may be reduced.

I have heard the learned counsel for the appellants qua the quantum of sentence. The appellants have been imposed sentence in the following manner:

Convict's name	Offence under Section	Sentence	Fine	In default
Surjeet Singh	15 NDPS Act	RI for 1 year	₹2000/-	RI for 1 month
Tommy Singh	15 NDPS Act	RI for 1 year	₹2000/-	RI for 1 month
Harpal Singh	15 NDPS Act	RI for 1 year	₹2000/-	RI for 1 month

As per the custody certificate filed today in the Court, appellants have undergone about 10 months out of the imposed sentence of one year for having been found guilty of committing offence punishable under Section 15 of NDPS Act.

The learned counsel for the appellants has submitted that appellants are the only bread earner of their family and further stated that financial condition of their families is not good. It has thus been prayed that a lenient view may be taken and the sentence, as imposed may be reduced.

On the other hand, learned State counsel has submitted that in view of the nature of allegations, no case for reduction of sentence is made out.

Having heard the learned counsel for the appellants and learned State counsel and bearing in mind the nature of offence and also that the appellants as of now have already undergone about 10 months out of

imposed sentence of 1 year, I find that there is room for reduction of sentence.

The appeal as such is partly accepted qua quantum of sentence. While conviction of appellants is upheld, the sentence is modified by reducing the same from rigorous imprisonment for 1 year each, to the period already undergone. The fine imposed upon the appellants shall remain unaltered.

The appeal, as such, stands partly accepted with the aforesaid modification in sentence.

The appellants shall be released, provided they are not wanted in any other case.

November 17, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No