

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-211-SB-2018 (O&M)
Decided on: 02.05.2018

Sabi Masih

.... Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Gautam Bhardwaj, Advocate,
for the applicant-appellant.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab

H.S. MADAAN, J (ORAL)

On oral request of learned counsel for the appellant, the main appeal
i.e. CRA-S-211-SB-2018 is preponed and is taken on board today.

2. Accused Sabi Masih was tried by Judge Special Court, Gurdaspur for
an offence under Section 22 of the NDPS Act, on the allegations that on
06.04.2013, when he was apprehended by police party in the area of a little ahead
of T-point of village Ghurala on Ghurala-Kahnuwan road, he was found in
possession of 300 gms. intoxicating powder. The trial ended in his conviction and
he was sentenced to undergo rigorous imprisonment for two years and to pay a
fine of ₹20,000/- and in default of payment of fine, to further undergo rigorous
imprisonment for two months for an offence under Section 22 of the NDPS Act,
vide judgment dated 16.03.2017.

3. Feeling aggrieved, he has preferred an appeal before this Court,
which has since been admitted and recovery of fine was ordered to be stayed
during the pendency of the appeal vide order dated 27.03.2018.

4. I have heard learned counsel for the appellant and learned State
counsel besides going through the record.

5. Learned counsel for the appellant, at the very outset, states that he does not challenge the impugned judgment passed by the Court below on the point of conviction, but has got submissions to make as regards the sentence part. According to him, the appellant is aged about 38 years, unmarried, his parents have expired and he has got two younger brothers and a sister to look after. He is the only earning member in the family and has already undergone more than 1 year and 8 months of imprisonment. He is not involved in any other criminal case, therefore, leniency be shown to him.

6. As per the custody certificate filed by the State counsel, the appellant has already undergone total sentence of 1 year, 8 months and 2 days, out of substantive sentence of 2 years awarded to him.

7. Keeping in view the facts and circumstances of the case and the circumstances explained by the counsel for the appellant, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the appellant-accused, his sentence is reduced to one already undergone by him in this case, while maintaining the fine part, it is ordered accordingly.

8. As such the appeal challenging the impugned judgment stands disposed of with the above modification in the sentence. The appellant – Sabi Masih, who is stated to be in custody is ordered to be released forthwith on payment of fine, if his custody is not required in connection with any other case.

9. Necessary intimation be sent to the quarter concerned.

02.05.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No