

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2452-SB of 2018
Date of Decision: 09.10.2018

Shinder Singh

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Singla, Advocate
for the appellant.

Mr. Sandeep Kumar, DAG, Punjab.

SURINDER GUPTA, J.

On the request of learned counsel for the appellant, instant appeal, which is admitted, is taken up on board today itself for final disposal.

2. As per case of prosecution, appellant-Shinder Singh was apprehended by ASI Inderjit Singh of Police Station Dialpura, Bathinda on 04.07.2015 and various drugs including 50 gms. of 'Alprazolam', a contraband, was recovered from his possession. He was put to trial, which resulted in his conviction for offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, for which he was sentenced to undergo rigorous imprisonment for one year and six months and to pay a fine of ₹20,000/- and in default of payment of fine to further undergo rigorous imprisonment for three months.

3. Learned counsel for the appellant has not challenged the conviction of appellant on merit and has confined his submission only for taking a lenient view on the quantum of sentence. He has argued that the

appellant is not a previous convict and is a first offender. He has suffered for the offence committed by him, as such, sentence awarded to him may be reduced to the period of sentence already undergone by him.

4. Learned State counsel has argued that the appellant was apprehended with various drugs. However, only '*Alprazolam*' drug falls in the category of contraband. Keeping in view the quantum of recovery effected from the appellant, learned trial Court has rightly convicted and sentenced him to undergo rigorous imprisonment for one year and six months. The sentence awarded to appellant commensurate with the recovery effected from him.

5. On perusal of custody certificate, produced on file by learned State counsel, I find that the appellant is not a previous convict. Keeping in view the nature of offence committed by him, I am of the opinion that award of substantive sentence of rigorous imprisonment for one year will meet the ends of justice, as such, the sentence awarded to him is reduced from one year six months rigorous imprisonment to rigorous imprisonment for one year. However, the sentence of fine is maintained.

The appeal stands partly allowed in above terms.

Intimation regarding reduction of sentence of appellant be sent to Superintendent, Central Jail, Bathinda.

October 09, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No