

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2511-SB of 2018 (O&M)

Date of Decision: 10.09.2018

Balinder Singh

...Appellant

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parminder Singh, Advocate
for the appellant.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.

Appellant-Balinder Singh was convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹10,000/- for offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 for possession of 700 grams of Opium.

2. The case of prosecution, in brief, is that on 18.02.2016, appellant was nabbed by a police party of Police Station City Karnal headed by SI Sultan Singh and recovery of 700 gms. of Opium was effected from his possession.

3. Learned counsel for the appellant has not challenged the conviction of appellant as recorded by the trial Court but has requested to take a lenient view regarding the quantum of sentence. He has argued that the appellant was 38 years of age at the time of occurrence. He is not a previous convict. He remained on bail after registration of this case from May, 2016 till his conviction on 30.05.2018 but was not involved in any other criminal case.

4. Learned State counsel has not disputed that the appellant is not a previous convict or was found involved in any other case of drug trafficking after registration of this case but has defended the sentence awarded by the trial Court with submission that quantum of sentence commensurate with the quantum of recovery of contraband from the appellant.

5. Admittedly, the appellant is not a previous convict. Recovery of Opium from him also falls in non-commercial quantity. Keeping in view age and antecedents of appellant, I am of the opinion that awarding of sentence of rigorous imprisonment for seven months to appellant will serve ends of justice. Consequently, the sentence of one year rigorous imprisonment awarded to appellant is reduced to rigorous imprisonment for seven months. However, the sentence of fine is maintained.

6. The appeal stands partly allowed in above terms.

7. Intimation regarding reduction of sentence of appellant be sent to Superintendent, District Prison, Karnal in due course.

September 10, 2018

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No