

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-3734-SB of 2018 (O&M)

Date of Decision: 10.10.2018

Harpreet Malik @ Dheru

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.

On the request of learned counsel for the appellant, instant appeal, which is fixed for 22.11.2018, is taken up on board today itself for final disposal.

2. Learned counsel for the appellant submits that as per custody certificate, appellant has already undergone substantive sentence of two years awarded to him by the Judge, Special Court, Jalandhar for offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985. The appellant is now undergoing sentence of four months awarded to him in lieu of non-payment of fine. The appellant is a poor person and is not in a position to pay the fine. He was a young boy of 20 years of age at the time of his arrest and is not a previous convict. Learned counsel for the appellant, as such, has confined his submission only for reduction of sentence awarded to appellant in lieu of non-payment of fine.

As per case of prosecution, the appellant was apprehended on

31.10.2015 by the police party headed by ASI Bakshish Singh of Police Station Maqsudan, Jalandhar and 55 gms. of intoxicating powder 'Alprazolam' was recovered from his possession. He was convicted for offence punishable under Section 22 NDPS Act and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹30,000/-. In default of payment of fine he was ordered to further undergo rigorous imprisonment for four months.

In headnote of judgment passed by Judge, Special Court, Jalandhar, age of the appellant is mentioned as 20 years. The custody certificate produced by learned State counsel today shows that he is not a previous convict or is involved in any other case of similar nature. He has already undergone substantive sentence of imprisonment awarded to him.

Keeping in view above facts, the instant appeal is partly accepted and conviction and sentence of fine as awarded to appellant is upheld. However, the sentence awarded to him in lieu of non-payment of fine is reduced from rigorous imprisonment for four months to rigorous imprisonment for two months.

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

October 10, 2018

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No