

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

**CRA-S-3156-SB of 2017(O&M)
DATE OF DECISION :- April 03, 2018**

Nirmal Singh **...Appellant**
Versus

State of Punjab **...Respondent**

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

Present:- Ms. Payal Mehta, Advocate
for Mr. Gaurav Saini., Advocate for the appellant.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Appellant Nirmal Singh faced trial by Judge Special Court, Bathinda for an offence under Section 15 of the NDPS Act, 1985 on the allegations that on 12.2.2014 at about 3.30 P.M. in the area of 10/15 karamas behind Bus Stand of village Miya, he was found in possession of 25 Kg of poppy husk.

Formal F.I.R. was registered. The petitioner was arrested in this case. After completion of investigation, he was challaned. On completion of trial, he was convicted for offence under Section 15 of the NDPS Act and sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- and in default of payment of fine to further undergo rigorous imprisonment for 3 months vide judgment/order dated 7.9.2016.

Feeling aggrieved, the appellant has preferred an appeal before this Court, which was admitted and recovery of fine was ordered to be stayed till disposal of the appeal vide order dated 21.2.2018.

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

Learned counsel for the appellant states that he does not challenge the judgment passed by the trial Court on the point of conviction but is to make submissions with regard to the sentence part. According to her, the appellant is married having three children; he has got old parents to look after and his entire family is dependent upon him for financial support; he has undergone more than 2 years, as such lenient view be taken.

I find that since as per custody certificate filed by the State counsel, the appellant has undergone 2 years 1 month and 8 days of total substantive sentence of 3 years.

Considering the circumstances explained by counsel for the petitioner and in the light of other attending circumstances, it would be proper and appropriate if the sentence imposed upon the appellant is reduced to one already undergone by him in this case. In that way, the appeal is accepted partly, inasmuch as it is dismissed on the point of conviction, whereas it is accepted as regards the sentence part.

Appellant Nirmal Singh is stated to be in jail in this case. So he is ordered to be released immediately on deposit of amount of fine, if his custody is not required in connection with any other case.

(H.S. MADAAN)
JUDGE

April 03, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No