

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

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**CRA-S-4042-SB-2018 (O&M)
Date of Decision: 20.11.2018.**

Chanderbhan Singh

....Appellant.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Salil Dev Singh Bali, Advocate for the appellant.

Mr. Sukhbeer Singh, Assistant Advocate General, Punjab.

Shekher Dhawan, J.

Present appeal against the judgment of conviction and order of sentence dated 27.09.2018 passed by learned Judge, Special Court, Fazilka, convicting the appellant under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act') and sentencing him to undergo 01 year and 06 months' rigorous imprisonment and pay a fine of Rs.10,000/- and in default of payment of fine to undergo rigorous imprisonment for two months, in case F.I.R. No.10 dated 05.02.2012 under Section 18 of the Act, registered at Police Station Bahavwala.

Learned counsel for the appellant mainly contended that the appellant has already undergone substantial period of sentence awarded to him and he be released from custody in this case while reducing the sentence awarded to the appellant to the period which he has already undergone during investigation, trial and during pendency of this appeal

before this Court. Learned counsel for the appellant also contended that the appellant is physically challenged person and his disability is to the extent of 50% and for that purpose he has placed on file copy of disability certificate.

Learned State counsel, on the basis of custody certificate filed today, affirmed the period of sentence having been undergone by the appellant so far and also brought to the notice of the Court that the appellant is involved in one more case under N.D.P.S. Act bearing F.I.R. No.162 of 2013 registered under the Act at Police Station Nimach Cantt.

Having considered the above facts and taking into consideration the fact that the appellant was convicted under Section 18 of the Act and has already undergone 01 year, 01 month and 26 days against the awarded sentence of 01 year and 06 months and that the appellant is physically challenged person, this Court is certainly inclined to take a lenient view and the present appeal is disposed with modification in the order of sentence to the extent that the sentence awarded to the appellant in this case shall be to the period which he has already undergone during the investigation, trial and pendency of the present appeal. The appellant be released forthwith if not required in custody in any other case.

(SHEKHER DHAWAN)
JUDGE

20.11.2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No