

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

CRA-S-4081-SB of 2017 (O&M)

DATE OF DECISION :- February 27, 2018

Lahimber Ram and another

...Appellants

Versus

State of Punjab

...Respondent

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

Present:- Mr. Gagandeep Singh, Advocate for the appellants.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

At request of counsel appearing for the appellants, the main case is taken up today.

Accused Lahimber Ram and Onkar Nath, booked in F.I.R. No. 200 of 27.7.2014 for an offence under Section 15 of the NDPS Act registered with Police Station, Dera Bassi were tried by Judge, Special Court, SAS Nagar, Mohali on the allegations that on 27.7.2014, when at about 11 A.M., a police party led by SI Ram Dayal while being present at T.point, Behra intercepted a Car bearing registration no. PB-10AK-3485. The Car was being driven by Lahimber Ram, whereas the person sitting on the front seat was Onkar Nath and a plastic bag was lying in between front and rear seat of the Car which was found to be containing 30 Kg of poppy husk. Samples were drawn there from. The samples and bag containing remaining poppy husk were sealed. Ruqa was sent to the Police Station

upon which formal F.I.R. was registered.

Accused were arrested in this case. The case was investigated and after completion of investigation both of them were sent up to face trial.

On conclusion of trial, Judge, Special Court, SAS Nagar, Mohali convicted both the accused for offence under Section 15 of the NDPS Act and sentenced them to undergo rigorous imprisonment for two years each and to pay a fine of Rs.10,000/- each and in default of payment of fine to further undergo rigorous imprisonment for two months each.

Feeling dissatisfied with the such judgment of conviction and order of sentence, both the accused have approached this Court by way of filing an appeal, which was admitted on 17.11.2017 and recovery of fine has been ordered to be stayed during the pendency of the appeal.

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

At the very outset, learned counsel for the appellants has stated that he does not challenge the impugned judgment on point of conviction but wants to make submissions as regards the sentence part. According to him, both the appellants are in custody for more than seven months; they are not involved in any other criminal case; appellant Lahimber Ram is stated to be aged about 30 years, whereas Onkar Nath is aged about 45 years; Lahimber Ram is married and is having one child and his parents have expired; he is sole bread winner of his family. Whereas Onkar Nath is also married having one child and his parents being no more; his family is also dependent upon him for financial support.

Counsel for the appellant prays for grant of taking lenient view

in the matter.

Hearing such contentions put forward by the learned counsel for the appellants and the fact that the appellants do not have a past criminal record, I am of the considered view that ends of justice shall be adequately met if the sentence of imprisonment is reduced to one already undergone by them while in custody in this case, whereas the fine part is kept as intact. With such modification, the appeal stands disposed of.

(H.S. MADAAN)
JUDGE

February 27, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No