

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

**CRA-S- 4153-SB of 2017 (O&M)
DATE OF DECISION :- April 19, 2018**

Mehtab Singh @ Taba

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Aditya Sanghi, Advocate for the appellant.

Mr. Gaurav Bansal, AAG, Haryana.

On request of learned counsel for the appellant, the main appeal is taken up today itself.

Appellant Mehtab Singh @ Taba was convicted by Judge, Special Court, Kaithal for an offence under Section 15 of the NDPS Act and was sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of ₹30,000/- and in default of payment of fine to undergo simple imprisonment for 3 months vide judgment dated 26.10.2017.

Feeling dissatisfied with such judgment of his conviction and order of sentence, he has approached this Court by way of filing the present appeal which came up for hearing on 22.11.2017 when it was admitted and recovery of fine was ordered to be stayed during the pendency of the appeal.

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 impugned judgment on the point of conviction but prays that a lenient view in the matter be taken as regards the sentence keeping in view the fact that quantity of contraband recovered is quite small i.e. 2 Kg of poppy husk and further appellant is of young age of 26 years and a poor person and does not have any past criminal record.

The custody certificate filed by the State counsel reflects that he has undergone total sentence of 7 months till date.

Considering the facts and circumstances of the case and contention put forward by learned counsel for the appellant for taking lenient view in the matter, I am of the view that ends of justice shall be adequately met if sentence of the accused is reduced to one already undergone by him while in custody in this case, whereas the fine part is kept intact. With such modification, the appeal stands disposed of.

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

(H.S. MADAAN)
JUDGE

April 19, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No