

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-82-SB-2018 (O&M)
Decided on: 06.04.2018

Dharavir Singh @ Bhola Appellant
Versus
State of Punjab Respondent

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

Present: Mr. Karan Garg, Advocate
for the appellant.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J (ORAL)

On oral request of learned counsel for the appellant, the main appeal i.e. CRA-S-82-SB-2018 is preponed and is taken on board today.

2. Accused Dharamvir Singh @ Bhola was tried by Judge, Special Court Bathinda on the allegations that on 03.10.2013, at the bridge of canal situated in the area of village Dhapali, he was found in conscious possession of 35 kgs of poppy husk. He was arrested in this case. Formal FIR was registered, matter was investigated and thereafter he was challaned. After filing of challan, the trial got began which ended in his conviction for an offence under Section 15 of the NDPS Act vide judgment dated 21.11.2017 and in terms of the order passed on that very date, he was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.10,000/- and in default of payment of fine, to undergo further imprisonment of one month.

3. He has preferred an appeal before this Court, which has since been admitted and recovery of fine stayed during the pendency of the appeal vide order dated 11.01.2018.

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

5. Learned counsel for the appellant states that he does not challenge the impugned judgment on the point of conviction, but wants to make submissions as regards the sentence part. According to him, the appellant has already undergone more than one year of his imprisonment, he is to look after his five daughters and old aged mother and to provide financial support to them, therefore, leniency be shown to him.

6. Keeping in view the facts and circumstances of the case and plea for leniency shown by learned counsel counsel for the appellant, I am of the view that ends of justice shall be adequately met if his sentence of two years imprisonment is reduced to one already undergone by him in this case, which is one year and 7 days as per the custody certificate. Though, the sentence regarding the fine part is kept as intact.

7. Therefore, the appeal stands disposed of inasmuch as the impugned judgment is upheld as regards the conviction and with regard to sentence, the same is modified and he is sentenced to imprisonment already undergone by him in this case. The appellant – Dharamvir Singh @ Bhola, who is stated to be in custody is ordered to be released forthwith on payment of fine, if his custody is not required in connection with any other case.

8. Necessary intimation be sent to the quarter concerned.

06.04.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No