

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2071-SB-2004 (O&M)
Date of Decision: 18.09.2019

Baljit Singh

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arshdeep Singh Brar, Advocate
for the appellant.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

SURINDER GUPTA, J.

This is appeal filed by the appellant against the judgment passed by Judge, Special Court, Bathinda, whereby he was convicted and sentenced to undergo rigorous imprisonment for nine months and to pay a fine of ₹2000/- and in default of payment of fine to further undergo rigorous imprisonment for 20 days, for offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (later referred to as 'NDPS Act').

Heard.

As per case of prosecution, the appellant was arrested on 10.10.2000 by a police party headed by SI Davinder Singh of Police Station Talwandi Sabo, District Bathinda and recovery of 10 kgs. and 100 gms. of poppy-husk was effected from his possession.

Learned counsel for the appellant has not challenged the conviction of appellant on merit and has confined his submission only for taking a lenient view regarding the quantum of sentence. He submits that

appellant was a young boy of 28 years of age at the time of registration of present case. A period of 19 years has passed thereafter and appellant has never involved in any such activity. He was also not a previous convict. For the offence committed by him he has already undergone 03 months and 27 days of imprisonment. Keeping in view all these facts, sentence as awarded to him may be reduced to the period of sentence already undergone.

Learned State counsel, after going through the facts, has not denied this fact that the appellant was not a previous convict and on the basis of custody certificate dated 03.09.2019, he submits that the appellant has not been found involved in any other case after registration of this case in the year 2000.

The recovery of contraband effected from the appellant on 10.10.2000 was 10 kgs. and 100 gms. of poppy-husk. A period of 19 years has lapsed thereafter. The appellant is neither a previous convict nor was found involved in any such activity after registration of present case. He appears to have settled in his life during the span of 19 years.

Keeping in view above facts and that the appellant was a young boy when he was apprehended in this case, I find myself in agreement with learned counsel for the appellant to reduce the sentence as awarded to him by the trial Court from rigorous imprisonment for nine months to the period of sentence already undergone by him. However, sentence of fine shall remain intact.

As a sequel of my above discussion, this appeal is partly accepted. Conviction of appellant for offence punishable under Section 15 of 'NDPS Act', as awarded by the trial Court, is maintained. However, his sentence is reduced from rigorous imprisonment for nine months to the

period of sentence already undergone by him. However, the sentence of fine shall remain intact alongwith default clause.

Copy of this order be conveyed to Chief Judicial Magistrate, Bathinda to initiate proceedings for recovery of fine from the appellant, which was stayed vide order dated 07.12.2004 passed in this appeal.

September 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***