

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

CRA-S-1593-SB-2018

Date of Decision:-05.02.2019

Sukhwinder Singh

....Appellant

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Daljeet Singh Virk, Advocate
for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The appellant-Sukhwinder Singh has filed this appeal challenging his conviction for offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 as recorded by learned Additional Sessions Judge, Sirsa.
2. The appellant having been found in possession of 9.800 kilograms of poppy-husk was held guilty for having committed offences under Section 15 the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for 6 months and also imposed fine amounting to ₹5,000/-.

3. Today at the very outset, learned counsel for the appellant submits that he restricts his submissions to the quantum of sentence only and that the sentence may be reduced to one already undergone as he has undergone almost half of the sentence imposed upon him.
4. As per the custody certificate filed today in the Court, the applicant has already undergone total sentence of 2 months and 22 days out of the imposed sentence of 6 months. He is not stated to be a previous convict and is stated to be aged about 32 years.
5. Keeping in view the nature and quantity of contraband recovered i.e. 9.800 kilograms of poppy husk, and the fact that the appellant is not a previous convict, in my opinion, it is a fit case where the sentence deserves to be reduced. The appeal as such is partly accepted qua sentence. While conviction of appellant is upheld, the sentence is modified by reducing the same from 6 months to the one already undergone. The fine imposed upon the appellant shall remain unaltered.
6. The appeal as such stands partly accepted with the aforesaid modification in sentence.
7. The appellant be released from the custody if not required in any other case.

(GURVINDER SINGH GILL)
JUDGE

05.02.2019

Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No