

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

**Criminal Appeal No.S-1006 of 2019 (O&M)
Date of Decision: November 27, 2019**

Chanan Singh

.....APPELLANT(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.K.S. Phoolka, Advocate
for the appellant (s).

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

SURINDER GUPTA, J.

The present appeal has been filed against judgment of conviction dated 20.03.2019 and order of sentence dated 25.03.2019 passed by learned Judge, Special Court, Bathinda in case FIR No.122 dated 20.09.2010 registered at Police Station Maur, Bathinda, convicting the appellant for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (For short-NDPS Act) and sentencing him to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹30,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 6 months.

As per case of prosecution, on 20.09.2010, a raid was conducted at the house of appellant Chanan Singh on the basis of secret information and 37 Kg of poppy-husk was recovered from fodder room of his house. Many people gathered at the spot and told the police party and

the DSP present there that Chanan Singh is a responsible person and is not involved in any illegal act. His daughter was married near Mansa and was killed by her in-laws. He got a case registered against her in-laws' family, which was fixed for 28.09.2010 for recording statement of Chanan Singh as a witness. Chanan Singh had informed co-villagers about plastic bags recovered from fodder room and villagers had already gathered there. On inquiry, it transpired that poppy-husk was kept in the house of Chanan Singh by his son-in-law Gurdeep Singh, his father Bant Singh and other accused Charanjit Singh and Bara Singh.

After investigation, challan against Gurdeep Singh, Bant Singh and Charanjit Singh was presented in Court. Accused Bara Singh was declared proclaimed offender. During trial, learned trial Court summoned appellant Chanan Singh on application of prosecution under Section 319 Cr.P.C. He challenged order of his summoning by filing CRR-295-2017, which was dismissed by this Court on 07.05.2018. After recording evidence, learned trial Court acquitted accused Gurdeep Singh @ Kaka, Bant Singh and Charanjit Singh of the charge framed against them while appellant Chanan Singh was held guilty for the offence punishable under Section 15 of NDPS Act as was sentenced as mentioned in opening para of this judgment.

Learned counsel for the appellant has confined his submission only for a lenient view regarding quantum of sentence awarded to the appellant. He has argued that appellant by now is an old man of 61 years of age. Recovery of poppy-husk falls in non-commercial quantity. He has no

not been found involved in any criminal case. Keeping in view the age and antecedents of appellant, his sentence be reduced to the period of sentence already undergone by him.

Learned State counsel has not disputed the antecedents of appellant as stated by his counsel. Custody certificate produced on file affirms that appellant is neither a previous convict nor found involved in any other case. As per custody certificate, appellant has undergone 06 months and 02 days of imprisonment till 18.11.2019.

Keeping in view the age and antecedents of the appellant, I agree with the submission of learned counsel for the appellant. I am of the opinion that ends of justice will be fully served if the sentence of the appellant as awarded by the trial Court is reduced from rigorous imprisonment for two years to rigorous imprisonment for one year.

Consequently, this appeal is partly accepted. Conviction of appellant for the offence punishable under Section 15 NDPS Act is upheld. However, sentence awarded to him by the trial Court is reduced from rigorous imprisonment for two years to rigorous imprisonment for one year. The sentence of fine is, however, kept intact with default clause.

Copy of this judgment be sent to Superintendent, Central Jail, Bathinda, for compliance.

November 27, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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