

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1785 of 2019

Date of Decision: 09.07.2019

Gurjant Singh @ Janta

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepak Gupta, Advocate
for the appellant.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

SURINDER GUPTA, J.(Oral)

This is appeal filed by the appellant against the judgment passed by learned Judge, Special Court, Moga, whereby he was convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹5000/- and in default of payment of fine to further undergo rigorous imprisonment for two months, for offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard.

As per case of prosecution, the appellant was arrested on 25.01.2016 by ASI Sukhjot Singh and his police party of Police Station Dharamkot and 25 gms. of contraband was recovered from his possession out of which 5 gms. was taken as sample, which on receipt of report of FSL was found to be that of Heroin.

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 is not a previous convict and is 22/23 years of age. He has already undergone 08 months and 11 days of imprisonment out of total sentence awarded to him.

As per custody certificate produced on record, the appellant has undergone 08 months and 11 days of imprisonment. Perusal of judgment, passed by the trial Court, shows that the appellant was 21 years of age when apprehended. He is not involved in any other case registered against him under the Narcotic Drugs and Psychotropic Substances Act, 1985 or any other penal provisions.

Keeping in view above facts, I find merit in submission of learned counsel for the appellant and the instant appeal is partly accepted. Conviction of appellant as recorded by learned trial Court is maintained. The sentence awarded to the appellant is reduced from one year rigorous imprisonment to nine months rigorous imprisonment. However, the sentence of fine shall remain intact alongwith default clause.

Copy of this order be conveyed to Chief Judicial Magistrate, Moga and concerned Jail Superintendent for information and necessary action.

July 09, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No