

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

**CRA-S-2062-2019 (O&M)**

**Date of Decision: 26.09.2019**

**Kulwinder Kumar**

**.....Appellant**

**Vs.**

**State of Punjab**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Harkirat Singh Bhogal, Advocate,  
for the appellant.

Mr. A.P.S. Gill, D.A.G., Punjab.

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**AMOL RATTAN SINGH, J. (ORAL)**

Learned counsel for the appellant submits that the appellant in fact is not pressing the appeal on merits at all, and is restricting his prayer to reduction of the quantum of sentence imposed upon him by the trial Court, after his conviction for the commission of an offence punishable under Section 21 of the NDPS Act, 1985, the sentence imposed upon him being of one and a half years of rigorous imprisonment and a fine of Rs. 15,000/-, in default of payment of which he is to further undergo imprisonment for a period of three months.

As per the custody certified filed in Court today by learned State counsel, the appellant has undergone 07 months of actual custody, with no other criminal case shown to be registered against him.

The conviction of the appellant is on account of the fact that he was found by a patrolling party of the police to be carrying 100 grams of

'*Diacetylmorphine*', with the commercial quantity of the said drug shown to be above 250 grams.

That being so, considering the fact that the appellant is also a first time offender, with him not challenging his conviction for the commission of the aforesaid offence, the appeal is accepted to the extent that while maintaining such conviction, the sentence imposed upon the appellant is reduced to the extent already undergone by him, with the fine imposed upon him also maintained.

Consequently, he would be released from custody upon him paying the fine of Rs. 15,000/- imposed by the trial Court, failing which he would undergo imprisonment for a further period of two months.

**September 26, 2019**  
nitin/dinesh

**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No.