

**IOIN-CRM-13013 of 2017 in CRM-13013-2017 in
CRA-S-27-SB-2017**

BAGGA SINGH AND ANR. *Versus* STATE OF PUNJAB

Present:- Mr. G.N.Malik, Advocate
for the applicant/appellant No.2-Gurcharan Singh.

Mr. Sandeep Kumar, D.A.G., Punjab for the respondent.

Applicant/appellant No.2-Gurcharan Singh, who was convicted under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for ten years, has filed the present application seeking suspension of sentence.

Learned State Counsel has filed the Custody Certificate of the applicant/appellant No.2 in the Court and the same is taken on record. Copy of the same has been supplied to learned opposite Counsel.

It is contended by learned Counsel for the applicant/appellant that recovery in the present case is 52 Kgs. of *Poppy Husk* from two persons/convicts and out of total 10 years, applicant/appellant No.2 has already undergone an actual sentence of 02 years, 06 months and 27 days, which includes the post conviction period of 02 years, 02 months and 21 days.

The above factual position of custody is not disputed by learned State Counsel.

Keeping in view the facts that the main appeal is not likely to be heard in near future and applicant/appellant No.2 has already undergone the substantial period of sentence, therefore, the present application is allowed and the remaining portion of sentence of imprisonment imposed on the applicant/appellant No.2 in the present case is hereby suspended during the pendency of the present appeal. He is ordered to be released on bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

February 20, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**