

In the High Court of Punjab and Haryana at Chandigarh

Criminal Appeal No. S-57 of 2020 (O&M)
Date of Decision: 25.2.2020

Tarsem Lal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shivender, Advocate for
Mr. B.S.Bhalla, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J.

Present criminal appeal has been preferred by the appellant against judgment of conviction and order of sentence dated 27.11.2019 passed by the learned Judge, Special Court, Moga, whereby the appellant was convicted for the commission of offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo RI for a period of six months and to pay a fine of Rs. 5,000/-, in default thereof, to further undergo RI for 25 days.

As per the prosecution version, the present appellant was found in conscious possession of 500 grams of opium.

Learned counsel for the appellant states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. Learned counsel for the appellant prays that the sentence of the appellant be suitably reduced as this criminal

trial is hanging on his head like Damocle's sword for more than 3½ years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that FIR relates to the year 2016 and since then a period of more than 3½ years has elapsed. The appellant has suffered the ordeal of trial for this long period. Learned counsel for the appellant submits that appellant has already undergone the actual sentence of 04 months. In support of his contentions, the learned counsel relies upon '*Tarsem Singh Vs. State of Punjab*' 2017 (2) R.C.R. (Criminal) 109 and *Mohinder Singh Vs. State of Punjab* 2018 (2) Law Herald 1678'.

I have heard the learned counsel for the parties and perused the record.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Court below and in view of the ultimate prayer of the appellant seeking reduction in sentence.

In view of the arguments advanced by learned counsel for the appellant and law laid down in *Tarsem Singh's case (supra)* and *Mohinder Singh's case (supra)*, this Court is of the view that no useful purpose would be served by keeping the appellant behind the bars further. It is a fit case wherein sentence awarded to the appellant can be reduced to the period already undergone. Therefore, sentence imposed upon the appellant is reduced to the period already undergone by him in the present case. However, sentence of fine and default clause shall remain intact. The impugned order of sentence, fine and conviction, including default clause, stand affirmed with aforesaid modification. The appellant be released

forthwith on deposit of fine, if not required in any other case.

Disposed of in the aforementioned terms.

(HARNARESH SINGH GILL)
JUDGE

February 25, 2020
Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No