

CRA-S-117-2020

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

**CRA-S-117-2020 (O & M)
Date of Decision:18.02.2020**

Rajinder Singh

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Gurpal Kaur Dulat, Advocate for
Mr. Narinder S. Lucky, Advocate,
for the appellant.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.

On the request of learned counsel for appellant, the main appeal is taken up today itself for hearing.

Custody certificate by way of affidavit of Narpinder Singh, PPS, Deputy Superintendent Central Jail, Kapurthala, has been filed in the Court today. The same is taken on record.

Present criminal appeal has been preferred by the appellant against judgment of conviction and order of sentence dated 13.12.2019 passed by the learned Judge, Special Court, Jalandhar, whereby the appellant alongwith co-accused was convicted for the offence punishable under Section 18 (c) of the Narcotic Drugs and Psychotropic Substances Act and sentenced to undergo RI for a period of one year and to pay a fine of Rs.10,000/-, in default thereof, to further undergo RI for 02 months.

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As per the prosecution version, the present appellant and co-accused, Abhishek Sharma, were found in conscious possession of 700 gram and 300 gram of opium, respectively.

Learned counsel for the appellant states that she is not pressing this appeal on merit and is not challenging the conviction on merit. She 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 and 17 days. In support of her contentions, the learned counsel relies upon ***Joginder Pal Vs. State of Punjab*** 2012 (2) R.C.R. (Criminal) 287 and the judgment dated 29.01.2015 rendered in CRA-S-162-SB-2015, titled as '***Amarjit Singh @ Babbu Vs. State of Punjab***'.

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

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appellant and law laid down in *Joginder Pal's case (supra)* and *Amarjit Singh @ Babbu'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.

18.02.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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