

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

CRA-S-2074-SB-2006 (O&M)

Date of decision: 12.02.2020

Bargade Singh @ Billa

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate for the appellant.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Accused Bargade Singh @ Billa son of Mukhtiar Singh, faced trial by Judge, Special Court, Amritsar in case FIR No.112 dated 23.08.2005, for an offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') registered with Police Station B-Division, Amritsar, on the allegations that on 23.08.2005, when apprehended by the police in the area of Pataka Market, Police Station B-Division, Amritsar, he was found in possession of 15 gms of smack. The trial ended in his conviction for the offence under Section 21 of the Act, vide judgment dated 06.10.2006 and vide order of even date, he was sentenced to undergo RI for a period of 06 months and to pay a fine of Rs.200/-, in default of payment of fine, to further undergo RI for a period of 15 days.

Feeling aggrieved by judgment of his conviction and sentence, the accused/convict has approached this Court, by way of filing an appeal, which was 'Admitted for hearing', vide order dated 24.10.2006.

I have heard learned counsel for the appellant/convict, learned State counsel besides going through the record.

Learned counsel for the appellant/accused at the very outset has stated that he does not challenge the impugned judgment on the point of conviction and has got only submissions to make with regard to the sentence. He contends that the recovery of contraband effected from the accused is of very small quantity, he is not a previous convict; he is a poor person and only bread winner of his family; he has not indulged in any criminal activity after being released on bail, as such, some leniency be shown to him in the matter of sentence.

Considering the quantity of contraband recovered from the accused, and the fact that he does not have past criminal record, it would be proper and appropriate if sentence is reduced to already undergone in this case. Thus, the appeal is dismissed as regards the conviction part, whereas, it is allowed partly with regard to sentence part, inasmuch as the appellant/accused is ordered to be sentenced to imprisonment already undergone by him in this case, whereas, fine shall remain intact.

With such modification, the appeal stands disposed of.

12.02.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No