

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

**CRA-S-4571-SB of 2015 (O&M)  
DATE OF DECISION :- January 31, 2020**

**Kashmir Singh**

**...Appellant**

**Versus**

**The State of Punjab**

**...Respondent**

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

**Present:-** Ms. Riffi Birla, Advocate for the appellant.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

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Accused Kashmir Singh faced trial by the Court of Judge, Special Court, Ferozepur in a case F.I.R. No. 98 dated 24.9.2012 registered with Police Station Kulgarhi for an offence under Section 22 of the NDPS Act on the allegations that on 24.9.2012 at about 5.00 P.M. in the area on the turn of Village Nurpur Sethan, Police Station Kulgarhi, he was found in possession of contraband i.e. 10 packets of Phenotil tablets, each containing 100 tablets i.e. 1000 tablets, 4 packets of Microlit tablets, each containing 100 tablets i.e. 400 tablets.

He was arrested in this case and on completion of investigation he was challaned. He faced trial. The trial ended in his conviction under Section 22 of the NDPS Act and he was sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.5000/- and in case of default of payment of fine, to undergo rigorous imprisonment for three months vide judgment dated 4.8.2015 by Judge, Special Court, Ferozepur.

Feeling aggrieved by the judgment of his conviction and sentence, he has approached this Court by way of filing an appeal, notice of which was given to the State.

I have heard learned counsel for the appellant and learned State counsel besides going through the record.

At the very outset learned counsel for the appellant submitted that she does not challenge the impugned judgment on the point of conviction but has got submissions to make with regard to the sentence part. She has contended that the appellant accused is married having three minor children, wife and parents and he is the only earning member in the family; he has already undergone total sentence of 1 year 2 months and 16 days out of total substantive sentence of two years imposed upon him, therefore, a lenient view in the matter be taken. Though learned State counsel is opposing the request but I find that keeping in view the facts and circumstances of the case and the circumstances explained by learned counsel for the appellant, it would be proper and appropriate if the substantive sentence of the appellant accused is reduced to one which has already been undergone by him in this case but keeping the fine part intact.

In that way, the appeal is accepted partly inasmuch as it is dismissed as far as conviction part but is allowed with regard to the sentence part.

Appellant Kashmir Singh, who is stated to be in custody is ordered to be released forthwith, if not required in any other case.

**(H.S. MADAAN)**  
**JUDGE**

**January 31, 2020**  
*p.singh*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |