

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

CRA-S-681-2020 (O&M)

Date of Decision : 02.07.2020

Ganpat Lal

....Appellant

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Ashok Giri, Advocate
for the appellant.

Mr.SPS Tinna, Addl.A.G., Punjab.

...

TEJINDER SINGH DHINDSA, J.(ORAL) _

Matter has been taken up through Video Conferencing via
WhatsApp facility in the light of the COVID-19 situation and as per
instructions.

With the consent of the counsel for the parties the main
appeal itself is taken up for final disposal today.

Appellant has filed the present appeal against the
judgment and order dated 18.02.2020 passed by the learned Judge,
Special Court, SAS Nagar, Mohali whereby he stands convicted under
Section 18 of the Narcotic Drugs and Psychotropic Substances Act,
1985 (hereinafter referred to as 'the Act') in FIR No.15 dated
17.02.2017 under Section 18 of the Act registered at Police Station
Mullanpur Garibdass and sentenced to undergo rigorous
imprisonment for three months and to pay a fine of Rs.10,000/- and in
default of payment of fine to further undergo rigorous imprisonment

for one month.

As per case of the prosecution, appellant was apprehended on 17.02.2017 while proceeding in a car bearing registration No.PB65-W-9794 and upon search of the car 500 grams of opium was recovered from underneath the driver's seat.

Learned counsel appearing for the appellant has made a categorical submission that the conviction is not being assailed on merits and the scope of the instant appeal is being confined only as regards the quantum of sentence.

Learned State counsel has, however, opposed the prayer even qua sentence by submitting that the appellant was found in possession of 500 grams of opium and therefore no leniency be shown to him.

Having heard counsel for the parties at length, this Court is of the considered view that judgment of conviction does not suffer from any infirmity and has been passed on due appreciation of evidence and by recording valid and cogent reasons. Conviction of the appellant as such is maintained.

However, there are sufficient mitigating circumstances brought to the notice of this court which would warrant interference as regards the sentence imposed.

As per custody certificate furnished by learned State counsel the appellant has already undergone a total sentence period of 2 months and 16 days upto 30.03.2020. He was release on parole on 31.03.2020 and has been directed to surrender back in the jail

concerned on 07.08.2020. As per custody certificate appellant is not involved in any previous case under the Act. He is stated to be a first time offender. Counsel has submitted that the appellant is a married person having two minor children and the only bread winner of the family. He has faced the agony of criminal trial since 2017.

For the reasons recorded above, the present appeal is disposed of while maintaining the conviction of the appellant and reducing the period of sentence to the period already undergone.

It is clarified that the benefit of this order shall enure to the appellant only upon deposit of the fine amount of Rs.10,000/- before the trial court.

Appeal is accordingly disposed of.

Pending application, if any, also stands disposed of.

02.07.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No