

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

CRA-S-2134-SB-2007 (O&M)

Date of decision: 22.04.2022

Ram Singh @ Rami

...Appellant

Versus

State of Punjab

...Respondent

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

Present: Mr. Parminder Singh-I, Advocate for the appellant.

Mr. Anmol Singh Sandhu, AAG, Punjab.

H.S. MADAAN, J. (Oral)

Appellant/accused Ram Singh @ Rami was apprehended by the police party led by SI Baljeet Singh from Police Station Cantt. Bathinda in the area of bridge of canal minor, Bibiwala and the plastic bag which he was carrying in his right hand was found to contain 05 kgs and 200 gms of poppy husk; after drawing two samples of 100 gms each, the sample and bulk were converted into sealed parcels, which were taken into police possession; formal FIR was registered; accused was arrested in this case; on completion of investigation and other formalities, he was sent up to face trial.

Judge, Special Court, Bathinda on conclusion of the trial, vide judgment dated 09.10.2007 found appellant/accused guilty of

charge framed against him for an offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') and vide order dated 10.10.2007, the accused/convict was sentenced to undergo rigorous imprisonment for 08 months and to pay a fine of Rs.1000/-; in default of payment thereof, to further undergo rigorous imprisonment for one month.

Feeling aggrieved by judgment of his conviction and sentence, accused/convict had approached this Court, by way of filing an appeal, which was put up on 29.10.2007, when it was admitted for hearing and the sentence was ordered to be suspended during pendency of the appeal. Consequently, the appellant/accused was ordered to be released on bail, vide order of even date. Now the appeal has come up for final hearing.

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 has contended that the appellant/accused was aged about 25 years at the time of conviction; he is a poor person working as a labourer; he does not have any past criminal record and further the contraband recovered from him is quite less, coming within definition of non-commercial quantity. He has further submitted that in

terms of the custody certificate placed on record by the State counsel, the appellant/accused has already undergone 02 months and 04 days of total sentence, therefore, the order of sentence be modified and sentence of imprisonment be reduced substantially.

Whereas, learned State counsel has contended that the appellant/accused has already been treated with leniency by the trial Court and the sentence should not be reduced.

After hearing the rival contentions, considering that the appellant/accused was of young age at the time of incident; he is stated to be a poor person, working as a labourer; he comes out to be a first offender, since no previous conviction against him is alleged to be proved on record by the prosecution and furthermore, there is nothing on record to show that after suspension of his sentence in this case and release on bail, he has indulged in any criminal activity, therefore, ends of justice shall be adequately met, if his sentence is reduced to already undergone in this case, while maintaining the fine part as such. It is ordered accordingly.

Let the amount of fine be paid in the Court of CJM, Bathinda, within one month from today, otherwise, CJM, Bathinda would issue warrants of arrest against the appellant/accused, so as to make him undergo sentence in default of payment of fine.

Accordingly, the appeal challenging the impugned judgment stands disposed of, upholding the conviction of the

appellant/accused, whereas, the sentence part is modified as detailed above. Necessary intimation be sent to CJM, Bathinda for compliance.

22.04.2022
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(H.S. MADAAN)
JUDGE

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