

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

307

**CRA-S-332-SB-2006
Decided on : 18.11.2022**

Kala Singh

. . . Appellant(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the appellant(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

On 10.11.2022, following order was passed:-

“On second call also, no one has put in appearance on behalf of the appellant. Let bailable warrants of arrest be issued against the appellant, for 18.11.2022, as a first attempt to secure his presence.

It is also made clear that if no counsel appears on behalf of the appellant on the next date of hearing also, order dated 17.02.2006, by which the appellant was granted bail, will be considered again.”

Today again, there is neither any representation on behalf of the appellant, nor report of the office, regarding service of bailable warrants is available.

However, learned State counsel has filed the custody certificate dated 17.11.2022 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Vide judgment dated 01.12.2005 and order of sentence dated 02.12.2005, passed by Ld. Judge, Special Court, Karnal, in Sessions Case No. 6/03, dated 24.01.2003, arising from FIR No.364, dated 05.12.2002, lodged

under Section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (fore brevity, 'NDPS Act'), registered at Police Station Civil Lines, Karnal, appellant was convicted for keeping in possession 15.00 kg. poppy-husk without any licence or permit, and was sentenced to undergo rigorous imprisonment for 1¼ years, and was also ordered to pay a fine of Rs.3500/-, for the offence punishable under Section 15(b) of the NDPS Act. The appellant was required to further undergo rigorous imprisonment for a period of two months, in default of payment of fine.

From the custody certificate filed by learned State counsel in Court today, it is found that appellant has already undergone the total awarded period of sentence, because appellant has undergone a total period of 01 year, 05 month and 01 day, including the custody as under trial.

Therefore, in the absence of any representation from the side of counsel for the appellant, there is no other option with the Court except to rely upon the custody certificate dated 17.11.2022, and the factum of releasing of the appellant on expiry of sentence on 08.11.2006, which fact is mentioned in the custody certificate also. Therefore, nothing much is left for the appellant to agitate in the appeal, as he has already undergone total period of sentence as awarded by Ld. Trial Court in its order of sentence dated 02.12.2005.

In view of the aforementioned circumstances, there does not appear to be any need for appellant also to get the appeal examined in detail.

Appeal stands disposed of, accordingly.

**(SANJAY VASHISTH)
JUDGE**

November 18, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No