

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

**CRA-S-2871-SB-2015
Date of Decision : 24.02.2023**

Daljeet

..... Appellant

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Sunny Namdev, Advocate Legal Aid Counsel
for the appellant.

Ms. Kirti Singh, Deputy Advocate General, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J (ORAL)

1. Custody certificate has been filed which is taken on record.
2. The present appeal challenges the judgment of conviction dated 04.12.2014 and order of sentence dated 06.12.2014, passed by the learned Addl. Sessions Judge, Hisar vide which the appellant was convicted and sentenced to undergo rigorous imprisonment for 03 years and to pay a fine of Rs.10,000/- and in default thereof to further undergo rigorous imprisonment for 06 months under Section 15 of the Narcotic Drugs & Psychotropic Substances Act.
3. At the outset, learned counsel representing the appellant has stated that as per custody certificate filed in Court today, the appellant has already undergone his sentence and has been released from custody on 27.11.2017. Learned counsel states that he does not challenge the judgment

of conviction on merits and prays that the appeal be disposed of by modifying the order of sentence.

4. Learned counsel for the State, however, submits that the appellant committed a serious crime and, therefore, he deserves no indulgence. The factum of the appellant having been released from custody has, however, been admitted.

5. I have heard learned counsel for the parties and have gone through the impugned judgment passed by the learned trial Court.

6. The appellant was apprehended on 06.07.2014 and was found in possession of 11 kgs. of poppy husk. The FIR was registered and after investigation, trial commenced.

7. The prosecution examined 09 witnesses to prove its case against the appellant. The trial Court, after discussing the evidence led by the prosecution, held the appellant guilty and convicted and sentenced him in the manner referred to in the opening paragraph of the judgment.

8. A perusal of the judgment shows that there is no illegality in the said judgment and the same was passed on due appreciation of evidence and consideration of legal principles. Even otherwise, the appellant has not challenged the judgment of conviction on merits. The judgment of conviction does not, therefore, call for any interference and is affirmed.

9. In so far as the order of sentence is concerned, the appellant has already undergone the sentence awarded to him and has been released from custody. There is no other case against the appellant as per the custody certificate and there is nothing on record to show that subsequently he has indulged in the commission of such offence.

10. Since the appellant has already been released on expiry of his

sentence on 27.11.2017, no further orders are required to be passed with regard to the sentence.

11. With the aforesaid observations, the present appeal is disposed of.

(VIKRAM AGGARWAL)
JUDGE

24.02.2023
mamta

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