

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

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**CRA –AS No.113 of 2022 (O&M)
Date of Decision:11.12.2023**

State of U.T Chandigarh

.....Appellant

Versus

Amandeep Singh

.....Respondent

CORAM: HONB'LE MR. JUSTICE HARKESH MANUJA

Present: - Mr. Yashwant Singh Rathore, Addl. Public Prosecutor
for U.T with Ms. Sudha Singh, Advocate and
Mr. Yuvraj Rathore, Advocate
for the appellant.

Harkesh Manuja, J.

[1] By way of present appeal filed under Section 377(1) of Criminal Procedure Code, 1973 the appellant seeks enhancement of sentence awarded to respondent/accused by judgment of conviction and order of sentence dated 15.12.2021 passed by Judge Special Court, Chandigarh in FIR no 191 dated 20.05.2018 under Section 21(b) of Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “NDPS Act”) whereby the respondent/accused was sentenced to undergo rigorous imprisonment for period already undergone i.e. 43 days alongwith fine of Rs 5000/- and in default in making payment of fine, to further undergo rigorous imprisonment of 10 days. The fine stands paid.

[2] Briefly stated, respondent/accused on basis of suspicion was apprehended in the vicinity of Lightpoint near Judicial Academy, Sector 43, Chandigarh on 20.05.2018 and 12.60 grams of Heroin was recovered from the polythene thrown away by him upon seeing the policy party.

[3] The Judge Special Court, Chandigarh thereafter convicted the respondent/accused under Section 21(b) of NDPS Act, the recovery being of 12.60

grams of heroin i.e., non-commercial quantity and sentenced him as per the above stated details. By way of present appeal, prayer for enhancement of sentence has been made.

[4] I have heard Learned Counsel for the appellant and gone through the paper-book and I am unable to find substance in the submissions made by him.

[5] In the present case, respondent/accused being found in conscious possession of 12.60 grams of heroin, the same falling in non-commercial quantity without any legal permit or licence, thus, was rightly held guilty vide judgment for the conviction passed under Section 21(b) of NDPS Act and sentenced to undergo rigorous imprisonment for the period already undergone i.e. 43 days and to pay fine of Rs 5000/- and in default in making payment of fine, to further undergo rigorous imprisonment of 10 days.

[6] The respondent/accused being a single parent of two daughters and a son and the only earning member of the family needs an opportunity to reform himself. He has shown remorse for his actions and is not involved in any other case of similar nature. Thus, in view of respondent/accused already having spent 43 days in custody and recovery of heroin being of non-commercial quantity i.e. 12.60 grams, can be shown some leniency.

[7] In view of the aforesaid, the impugned order of sentence, passed by the trial Court warrants no interference. Consequently, the appeal preferred by the appellant/State of U.T, is hereby dismissed.

[8] All pending application(s), if any, shall stand disposed of.

(HARKESH MANUJA)
JUDGE

December 11, 2023

ATIK

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No