

**109+256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:019415

CRM-3617-2024 in/and

CRA-S-281-2024 (O&M)

Date of Decision: February 12, 2024

Gurpreet Singh @ Mangri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sukhmeet Singh, Advocate for the appellant.

DEEPAK GUPTA, J.(Oral)

In Sessions case bearing No.NDPS/243/2029 arising out of FIR No.104 dated 26.06.2019, registered at Police Station City Kotkapura, District Faridkot, the appellant has been convicted under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 by the learned Judge, Special Court, Faridkot, vide judgment dated 24.11.2023 and vide a separate order of even date, he has been sentenced to undergo rigorous imprisonment for 03 years and to pay fine of ₹25,000/- with default sentence.

2. Against the aforesaid judgment of conviction and order of sentence, present appeal has been filed.

3. Today, statement is made by learned counsel for the appellant that appellant does not press this appeal against the judgment of conviction. However, learned counsel has made a prayer that considering the fact that the appellant is a first time offender, he may be sentenced to the period already undergone by him as he has already already spent a period of more than 01 year in custody. Learned counsel also submits that the appellant is ready to deposit the amount of ₹25,000/- imposed upon as fine.

4. Notice of motion.

5. Mr. Amandeep Singh, DAG, Punjab accepts notice on behalf of respondent-State.

6. Learned State counsel has no objection to accept the aforesaid prayer.

7. A perusal of the impugned judgment would reveal that the appellant has been convicted for keeping in possession of 600 intoxicating tablets in 60 strips containing alprazolam with total weight of 74.664 grams. It is the conceded case that the recovered quantity of contraband falls in the non-commercial category.

8. Custody certificate placed on record would reveal that the appellant has already undergone the actual sentence of 01 year, 01 day, which includes post conviction period of 02 months and 18 days. Custody certificate further reveals that the appellant is not involved in any other case.

9. Having noticed the aforesaid facts and in view of the statement made by learned counsel for the appellant, present appeal against the judgment of conviction dated 24.11.2023 is hereby dismissed as withdrawn.

10. As far as the impugned order of sentence is concerned, having regard to the fact that the recovered quantity of the contraband falls in the non-commercial category and the appellant has undergone the actual sentence of more than 01 year, order of the sentence is modified. The appellant is sentenced to imprisonment for the period already undergone by him, subject to the condition that he shall deposit the fine of ₹25,000/- as imposed by the Trial Court concerned.

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Disposed of accordingly.

All the connected application(s) also stand disposed of.

February 12, 2024	(DEEPAK GUPTA)
sarita	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No