



CRA-S-373-2024 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.289

Case No. : CRA-S-373-2024 (O&M)

Date of Decision : July 24, 2024

Harpreet Singh @ Mintu

.... Appellant

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr.Balwinder Singh Chahal, Advocate
for the appellant (*through video conferencing*).

Mr.Malkiat Singh Dhillon, DAG, Punjab.

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GURBIR SINGH, J. :

1. The present appeal has been filed by appellant Harpreet Singh @ Mintu against judgment dated 11.10.2023, passed by learned Judge, Special Court, Moga (for brevity – Trial Court) in case FIR No.196 datd 05.08.2019, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station City Moga, whereby the appellant was convicted under Section 22 of the NDPS Act and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.5,000/-. In default of payment of fine, he was further sentenced to undergo rigorous imprisonment for 15 days.

2. In brief, the case of the prosecution is that on 05.08.2019, after sending *Ruqa* to the concerned Police Station for lodging the FIR, police conducted the raid at the disclosed place. The police noticed two young

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persons sitting along with wall of the plot. On seeing the police party, they got perplexed and threw the black envelope they were having and tried to run away. However, they were apprehended. On asking, one person disclosed his name as Gurdit Singh @ Sonu (non-appellant) and the other one disclosed his name to be Harpreet Singh @ Mintu (present appellant). 25 strips of Cyril (each strip containing 10 tablets), total of 250 tablets and thrown envelope were taken into possession. The sample was drawn as per rules. The accused were formally arrested. The sample parcel was sent to Forensic Science Laboratory for chemical examination and each tablet was found containing *Lorazepam* salt. Total weight of the recovered tablets was found to be 67 grams.

3. After completing necessary formalities, challan against the accused persons was presented in the Court. Charge under Section 22 of the NDPS Act was prima facie framed and made against both the accused, to which they did not plead guilty and claimed trial.

4. In support of its version, the prosecution examined eight witnesses. On conclusion of prosecution evidence, statements of accused persons under Section 313 Cr.P.C. were recorded, wherein both of them denied incriminating evidence appearing against them and raised plea of innocence and false implication.

5. On the other hand, the accused examined in defence only one witness namely Head Constable Jaswinder Singh as DW-1.

6. After appreciating the evidence on record, the learned Trial Court convicted and sentenced both, the appellant as well as co-accused Gurdit



Singh @ Sonu to undergo rigorous imprisonment for one year each and to pay fine of Rs.5,000/- each. In default of payment of fine, both were further sentenced to undergo rigorous imprisonment for 15 days each. It was further directed that the period of detention already undergone by both of them during investigation, inquiry and trial, would be set off against their substantive sentence.

7. Learned State counsel has placed on the file Custody Certificate of the present appellant, which shows that he has already undergone actual custody period of 11 months and 08 days, including 09 months and 12 days after conviction.

8. Learned counsel for the appellant, after arguing for sometime, submits that the recovery effected from the appellant is of non-commercial quantity. He has already undergone substantive sentence of 11 months and 08 days, out of total sentence of one year. He has further submitted that he does not wish to challenge the conviction and only prays for taking a lenient view for the appellant and sentence awarded to appellant be reduced.

9. I have heard the arguments advanced by learned counsel for the appellant and perused the case file.

10. Keeping in view that the learned counsel for the appellant has not challenged the conviction of the appellant, so, conviction of the appellant under Section 22 of the NDPS Act is hereby confirmed. Further considering that the appellant has already undergone sentence of 11 months and 08 days, out of substantive sentence of one year; he is a first offender; recovery from the appellant and his co-convict was not of commercial quantity, so, the

appellant, who is a young-man of about 30 years, must be given a chance to reform himself. Therefore, sentence of imprisonment awarded to the appellant is hereby modified as the sentence “**already undergone**”. The sentence of fine would remain intact.

11. Accordingly, the present appeal stands partly allowed in the aforesaid terms.

12. Pending applications, filed along with the appeal, shall stand disposed of along with this judgment.

July 24, 2024

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.