

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-1124-SB-2005 (O&M)
Date of decision: 31.01.2024

Jasbir Singh

....Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashwani Verma, Advocate for the appellant

Mr. Jagdish Manchanda, Addl. AG Haryana

AMAN CHAUDHARY. J.

1. Challenge in the present appeal is to the judgment/order dated 13/14.06.2005, passed by the learned Additional Sessions Judge, Fatehabad, whereby appellant was convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
18 of NDPS Act	RI for one year	Rs.5000/-	SI for three months

2. Succinct facts at first. On 25.04.2002, when SI Kuldip Singh alongwith other police officials were on patrolling duty in connection with the checking of miscreants and suspected vehicles, they apprehended the accused in possession of some contraband. After apprising of his rights, search was conducted and recovery of 500 grams of opium was effected. The requisite samples were drawn and sealed. Ruqa was sent, on the basis of which, an FIR was registered.

3. After completion of investigation, final report under Section 173

Cr.P.C. was presented in the Court against the accused. On finding a prima facie case, charge under Section 18 of the Act was framed against him, to which he pleaded not guilty and claimed trial.

4. The prosecution, in order to prove its case, examined as many as 7 witnesses. Thereafter, the statement of the accused was recorded under Section 313 Cr.P.C., whereby incriminating evidence was put to him, which he denied. He pleaded innocence and false implication. He pleaded innocence and false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellant as noticed above.

6. Aggrieved appellant is before this Court.

7. Learned counsel for the appellant that he does not want to challenge the conviction and sentence on merit, as the appellant has completed the entire sentence awarded to him.

8. He submits that the prosecution case was fully established, based on which the appellant has been convicted, thus, the appeal deserves to be dismissed. However, as per the custody certificate, the appellant was released after expiry of sentence on 28.01.2006 and had also deposited the fine of Rs.5,000/- on 12.01.2006.

9. Heard the learned counsel on either side and perused the record with their able assistance.

10. Evidently, PW4-SI Kuldip Singh had deposed that the accused-appellant was apprehended and found to be in conscious possession of the alleged contraband, which fact was corroborated by PW5-HC Fauja Singh. As per

FSL report, the contents of contraband were found to be ‘opium’. Thus, the trial Court has rightly convicted the appellant and there is no scope for interference in the findings recorded therewith and the conclusion arrived at. As such, his conviction is upheld.

11. In view of the above, there is no infirmity or illegality in the impugned judgment and order passed by the trial Court, which calls for intervention by this Court. As such, the present appeal being bereft of merit is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

31.01.2024
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No