



251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-640-2024 (O&M)
DECIDED ON: 18.07.2024

PARSHANT SHARMA @ SHUNTY AND ANOTHER

....APPELLANTS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. P.S. Sekhon, Advocate
for the appellants.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-7300-2024

Prayer in the present application is for suspension of sentence of the applicants/appellants during the pendency of present appeal.

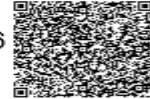
Learned counsel for the applicants/appellants prays for withdrawal of the present application. He further prays for listing the main appeal for final hearing.

Prayer is accepted.

Dismissed as withdrawn.

CRA-S-640-2024 (O&M)

1. With the consent of learned counsel for the respective parties, the main appeal is taken on board for final hearing.
2. The instant appeal has been preferred by the appellants namely Parshant Sharma @ Shunty and Rohit Kumar @ Kala, challenging the judgment



of conviction and order of sentence dated 11.01.2024 passed by Judge, Special Court, Barnala whereby they have been convicted for commission of offence under Section 15 of NDPS Act and have been sentenced to undergo RI for a period of two years along with fine of Rs.15,000/- each and in default thereof, to further undergo RI for one month.

3. At the very outset, learned counsel for the appellants contends that he does not want to challenge the conviction of the appellants on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

4. Here it would be pertinent to mention that the appellants do not challenge their conviction on merits and only confined their relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellants is concerned. As such, the conviction of the appellants is upheld.

5. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the appellants have already faced the agony of protracted trial for sufficient time, they are a sole bread earner of family. The appellant-Parshant Sharma @ Shunty has already undergone the actual sentence for a period of 8 months and 11 days as of now whereas, appellant-Rohit Kumar @ Kala has undergone the actual sentence for a period of 8 months and 20 days, as of now, out of total substantive sentence of two years. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.



6. Taking into consideration the above narrated discussion as well as the fact that the appellants have not challenged their conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them with no change in fine clause.

7. With the aforesaid modification in the quantum of sentence, the present appeal stands disposed off.

8. The appellants are ordered to be released forthwith in case they are not required in any other case. The appellants are directed to deposit the fine to the tune of Rs.15,000/- each, as imposed by the trial Court vide order of sentence dated 11.01.2024.

9. Pending criminal misc. application, if any shall also disposed off.

(SANDEEP MOUDGIL)
JUDGE

18.07.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No