

249 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRA-S-1012-2024 (O&M)
DECIDED ON: 08.07.2024

KULDEEP

....APPELLANT

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Davneet Sangwan, Advocate
for the appellant.

Mr. S.S. Pannu, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-11257-2024

Prayer in the present application is for suspension of sentence of the applicant/appellant during the pendency of present appeal.

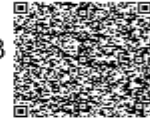
Learned counsel for the applicant/appellant prays for withdrawal of the present application. He further prays for listing the main appeal for final hearing.

Prayer is accepted.

Dismissed as withdrawn.

CRA-S-1012-2024 (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 appellant-Kuldeep, challenging the judgment of conviction dated 28.02.2024 and order of sentence

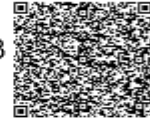


dated 29.02.2024 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhri whereby he has been convicted for commission of offence under Section 21(b) of NDPS Act and has been sentenced to undergo RI for a period of six months along with fine of Rs.10,000/- and in default thereof, to further undergo RI for three months.

3. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant 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 appellant did not challenge his conviction on merits and only confined her 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 appellant is concerned. As such, the conviction of the appellant 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 appellant has already faced the agony of protracted trial for more than 2 years, he is a sole bread earner of family comprised of dependent old aged mother, wife and three small children inclusive of lactating infant. The appellant has already undergone the actual sentence for a period of 5 months and 14 days as of now, out of total substantive sentence of six months. 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. Though, it is evident that the



appellant is also involved in as many as seven other cases, as is evident from the custody certificate filed by learned State counsel today in Court. This Court has already held in so many cases that there is no gainsaying that each case has its own distinct and unique facts.

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

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

8. The appellant is ordered to be released forthwith in case he is not required in any other case, subject to payment of fine to the tune of Rs.10,000/-, as awarded by the trial Court vide order of sentence dated 29.02.2024.

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

08.07.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No