



255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1616-2024 (O&M)
DECIDED ON: 09.12.2024

HARDEEP SINGH @ AATU

.....APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.S. Gill, Advocate
for the appellant.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The appellant has challenged the judgment of conviction dated 20.02.2024 vide which the appellant was convicted under Sections 21 and 22 of NDPS Act, 1985. Vide order of the even date, he was sentenced to undergo RI for a period of one year along-with fine to the tune of Rs.10,000/-, in default of payment of fine to further undergo RI for 15 days for commission of offence punishable under Section 21 of NDPS Act, 1985; to undergo RI for a period of three years along-with fine to the tune of Rs.15,000/-, in default of payment of fine to further undergo RI for one month for commission of offence punishable under Section 22 of NDPS Act, 1985. Both the sentences were ordered to be run concurrently.

2. At the outset, the learned counsel for the appellant concedes that, given the concurrent findings of fact recorded by the trial Court he will not press the appeal on merits. Instead, he seeks to confine his prayer to a reduction in the



quantum of the sentence. It is submitted that the incident dates back to the year of 2019, and the appellant has endured prolonged criminal proceedings for almost six years. The appellant has already undergone the actual sentence for a period of 11 months and 25 days, out of total substantive sentence of 3 years, as is evident from the custody certificate filed by learned State counsel, today in Court.

3. In light of these circumstances a prayer has been made for leniency, with a plea to reduce the sentence imposed by the trial Court to the period already undergone by the appellant.

4. Learned State counsel has argued that the appellant does not deserve any kind of leniency from this Court, as he is also involved in two other cases.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. No doubt the criminal antecedents of the accused are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

7. In view of the afore-said facts and circumstances coupled with the fact that the petitioner has already faced the agony of protracted trial since the date of registration of FIR i.e 2019, 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. Moreover, it is clear that the petitioner has now been burdened with numerous liabilities.

8. 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.

9. With the aforesaid modification in the quantum of sentence, the present petition stands disposed off.

10 The petitioner is ordered to be released forthwith in case he is not required in any other case.

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

09.12.2024
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(SANDEEP MOUDGIL)
JUDGE

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