

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

Neutral Citation No. **2024:PHHC:023750**
CRM-939-2023 in/and
CRM-A-46-2023
Date of Decision: February 20, 2024

State of Haryana

... Applicant-appellant

Versus

Sandesh @ Sonu

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sumit Jain, Addl. A.G., Haryana
for the applicant-appellant.

DEEPAK GUPTA, J.(Oral)

CRM-939-2023

Application for grant of leave to appeal is accompanied by application under Section 5 of the Limitation Act to condone the delay of 188 days in filing the application for grant of leave to appeal.

For the grounds as mentioned in the application, which is supported by an affidavit of Deputy Superintendent of Police, HQ, Sirsa, delay of 188 days in filing the application for grant of leave to appeal is hereby condoned.

The application is allowed.

CRM-A-46-2023

This is the application for grant of leave to appeal filed by
Sate of Haryana seeking enhancement of sentence.

2. Respondent Sandesh @ Sonu was convicted vide judgment dated 08.03.2022 by learned Addl. Sessions Judge, Sirsa, under Section 21(b) of the NDPS Act in a case arising out of Fir No.122 dated 25.04.2019, registered at Police Station Civil Lines, Sirsa, for keeping in

possession of 07 gm 150 mg. of heroin, which included the weight of polythene.

3. After recording the conviction, learned Addl. Sessions Judge, Sirsa vide his order dated 08.03.2022 ordered the respondent to undergo rigorous imprisonment for a period already undergone by him and also to pay fine of ₹3,500/- with default sentence of 03 months. Fine was paid.

4. As informed by learned State counsel that the respondent has already undergone 28 days of the custody.

5. Having regard to the fact that recovered quantity of contraband was 07 grams and 150 mg of heroin, which included the weight of polythene also, whereas small quantity starts from 05 gm. and the recovered quantity is marginally higher than the small quantity even if the weight of the polythene is taken into consideration and also keeping in view the fact that learned State counsel has not informed about any criminal antecedent of the applicant-appellant, the period of sentence as imposed by learned Addl. Sessions Judge, Sirsa is not found to be on the lesser side. The sentence as imposed by learned Addl. Sessions Judge, Sirsa is found to be proper in the facts and circumstance of the case. No interference is called for.

Dismissed.

February 20, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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