

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-1592-SB-2009 (O&M)****Dae of Decision: 12.03.2025****GURBACHAN SINGH**

. . . .APPELLANT

Vs.

STATE OF PUNJAB

. . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr.Arnab Ghai, Advocate, for the appellant.

Mr.B.S. Bali, Addl. A.G., Punjab.

DEEPAK GUPTA, J.

Appellant Gurbachan Singh was tried by Ld. Special Judge, Ferozepur in a case arising out of FIR No.105 dated 21.08.2006 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] registered at Police Station Khui Khera, as he was found in possession of 4 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 03.03.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹5,000/- with default sentence of 01 month rigorous imprisonment in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against order of sentence. It is submitted that appellant would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.



4. Learned counsel points out that offence pertains to the year 2006 that appellant was young person of 28 years at that time; that appellant has already undergone actual sentence of 05 months and 22 days and is involved in one more case in which he is on bail, he deserves to be sentenced for the period already undergone by him.
5. Learned State counsel has not seriously objected to the aforesaid prayer.
6. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 05 months and 22 days. It is revealed further that he is involved in one more case in which he is on bail. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case. He was young boy of 28 years of age at the time of offence, which had taken place way back in 2006 i.e. 18 years back.
7. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellant, instead of sending him behind bars in the company of hardened criminals.
8. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him. As far as the fine is concerned it will remain the same.

Disposed of.

(DEEPAK GUPTA)
JUDGE

12.03.2025
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Whether speaking/reasoned?	Yes
Whether reportable?	No