

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH************203****CRA-1845-SB-2009 (O&M)****Date of Decision:27.03.2025****Arjun Singh and another****.....Appellants****Vs.****State of Punjab****.....Respondent****CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. G.S. Sandhu, Advocate for the appellants.
Mr. Rajiv K. Takkar, DAG, Punjab.

**********DEEPAK GUPTA, J. (ORAL)**

Appellants- Arjun Singh and Jagtar Singh were tried by Ld. Special Judge, Muktsar in a case arising out of FIR No.285 dated 20.11.2005 under Section 15 of the NDPS Act registered at Police Station City Muktsar, as they were found in possession of 10 Kg of poppy husk. After trial, the appellants were convicted under Section 15 of the NDPS Act vide judgment dated 30.07.2009 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹10,000/- with default sentence of 03 months 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 appellants stated at the outset that appellants do not press the appeal against the judgment of conviction; and that appellants confine their prayer only against order of sentence. It is submitted that appellants would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

4. Learned counsel points out that offence pertains to the year 2005; that appellants were of 46 and 49 years respectively at that time; that appellants had already undergone actual sentence of 02 months and



CRA-1845-SB-2009 (O&M)

-2-

15 days and 02 months and 14 days respectively and so, they deserve to be sentenced for the period already undergone by them.

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 appellants had already undergone actual custody sentence of 02 months and 15 days and 02 months and 14 days respectively. It is revealed further that appellant- Arjun Singh has no criminal antecedents and appellant – Jagtar Singh is involved in one more case i.e. FIR No.45 dated 23.04.2019 registered under Sections 452/323/447/511/148/149 IPC at Police Station City 2 Abohar but he is on bail in that case. They were of 46 and 49 years of age respectively at the time of offence, which had taken place way back in 2005 i.e. 20 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 appellants, instead of sending them 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 appellants are sentenced to imprisonment for the period already undergone by them. As far as fine is concerned, it will remain same.

Disposed of.

(DEEPAK GUPTA)
JUDGE

March 27, 2025
renu

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No