



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

204

**CRA-S-1212-SB-2010 (O&M)
Date of Decision.:02.04.2025**

Baru Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Sidhu, Advocate for
the appellant.

Mr. R.K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant Baru Singh was tried by Ld. Special Court, Mansa in a case arising out of FIR No.66 dated 30.07.2007 under Section 15 of the NDPS Act registered at Police Station Boha, as he was found in possession of 15 kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 04.05.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹10,000/- with default sentence of three months 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

**CRA-S-1212-SB-2010 (O&M)****-2-**

2007; that appellant was young person of 45 years at that time; that appellant has already undergone actual sentence of 04 months and 19 days and so, he deserves to be sentenced for the period already undergone by him.

5. Reply by way of an affidavit of Sh. Sukhdev Singh Saggu, PPS-I, Superintendent, Central Jail, Bathinda has been filed on behalf of respondent- State.

6. Learned State counsel has not seriously objected to the aforesaid prayer.

7. As per reply filed by Superintendent, Central Jail, Bathinda, the appellant had already undergone custody of 04 months and 19 days. He was 45 years of age at the time of offence, which had taken place way back in 2007 i.e. 18 years back. Thus, by now he is not less than 63 years of age.

8. 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.

9. 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 same.

Disposed of.

(DEEPAK GUPTA)
JUDGE

April 02, 2025

Neetika Tuteja

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