



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

208

CRA-S-1288-SB-2010(O&M)

Date of Decision:-09.04.2025

Gagandeep @ Goppi

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.P.S. Tung and Mr. Akash Manocha, Advocates,
for the appellant.

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

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Special Court, Barnala in a case arising out of FIR No.108 dated 03.08.2008 under Section 18 of the NDPS Act registered at Police Station Tapa, as he was found in possession of 750 gm opium. After trial, the appellant was convicted under Section 18 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 one year and to pay fine of ₹500/- 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 2008; that appellant was of 35 years at that time; that appellant has already



undergone actual sentence of 02 months and 06 days and is not involved in any other case and so, 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 02 months and 06 days. It is revealed further that he has no criminal antecedents. He was 35 years of age at the time of offence, which had taken place way back in 2008 i.e. 17 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 fine is concerned, it will remain same.

9. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trail Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

April 09, 2025

Pry

Whether Speaking/reasoned	Yes
Whether Reportable	No