

2025:PHHC:050686



S. No. 207

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

CRA-S-2246-SB of 2009 (O&M)

Date of Decision:21.04.2025

Jaspal Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Jaspal Singh was tried by Ld. Special Court, Muktsar in a case arising out of FIR No.171 dated 2.12.2002 under Section 15 of the NDPS Act registered at Police Station Sadar Malout, as he was found in possession of 30 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 05.09.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹30,000/- with default sentence of six months' rigorous imprisonment in case of non-payment of fine.

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

3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

4. However as far as the impugned order of sentence is concerned it is noticed that appellant was sentenced for a period of three years' rigorous imprisonment and to pay fine of ₹30,000/- with default sentence of six months'



rigorous imprisonment in case of non-payment of fine for keeping in possession of 30 Kg poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone total sentence of 05 months and 01 day. Although the appellant has not placed on record any affidavit in terms of order dated 09.02.2024 but custody certificate indicates that appellant is involved in one more case i.e. FIR No.293 dated 01.10.2005 registered under Section 15 (Act No.61 of 1985) of the NDPS Act at Police Station Malout Sadar but he is on bail in case.

6. 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.

7. 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.

8. 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 trial Court.

Disposed of.

April 21, 2025
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(DEEPAK GUPTA)
JUDGE

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