

S. No. 208

2025:PHHC:050888



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

CRA-S-2314-SB of 2009 (O&M)

Date of Decision:21.04.2025

Malkiat Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Abhishek Sharma, Advocate for the appellant.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Malkiat Singh was tried by Ld. Special Court, Barnala in a case arising out of FIR No.18 dated 13.02.2006 under Section 18 of the NDPS Act registered at Police Station Tapa, as he was found in possession of 250 grams of opium. After trial, the appellant was convicted under Section 18 of the NDPS Act vide judgment dated 18.09.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹2,000/- with default sentence of 02 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 do not press the appeal against the judgment of conviction; and that appellant confine 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 of 32 years at that time; that appellant had already undergone



total sentence of 03 months and 12 days and so, he deserve 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 had already undergone total sentence of 03 months and 12 days. It is revealed further that appellanthas no criminal antecedents. He was of 32 years of age at the time of offence, which had taken place way back in 2006 i.e. 19 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 trial Court.

Disposed of.

April 21, 2025
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(DEEPAK GUPTA)
JUDGE

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