



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

204

CRA-S-284-SB-2009 (O&M)

Date of Decision.:04.03.2025

Satpal Singh @ Satti and another

.....Appellants

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellants.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellants Satpal Singh @ Satti and Nikka Singh were tried by Ld. Special Court, Bathinda in a case arising out of FIR No.95 dated 27.07.2005 under Section 15 (b) of the NDPS Act registered at Police Station Sangat, as they were found in possession of 25 Kgs 100 gms of poppy husk. After trial, the appellants were convicted under Section 15 (b) of the NDPS Act vide judgment dated 29.01.2009 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of one year each and to pay fine of ₹1,000/- each with default sentence of one month rigorous imprisonment each 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 appellants. 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 appellants were sentenced to undergo rigorous imprisonment for a period of one year each and to pay fine of ₹1,000/- each with default sentence of one month rigorous imprisonment each in case of non-payment of fine for keeping in possession of 25 Kgs 100 gms of poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal that appellant Satpal Singh has already undergone actual custody/sentence of 03 months and 03 days; whereas appellant Nikka singh has already undergone actual custody/sentence of 02 months and 19 days. Custody certificate further indicates that appellants are not involved in any other criminal case. Although the appellants have not placed on record any affidavit in terms of order dated 23.07.2024 but custody certificates do not indicate that appellants are involved in any criminal activity after the impugned conviction.

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 appellants, instead of sending them 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 appellants are sentenced to imprisonment for the period already undergone by him.

Disposed of.

(DEEPAK GUPTA)
JUDGE

March 04, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No