



CRA-S-1583-SB-2012

-1-

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

242

CRA-S-1583-SB-2012

Date of decision : 04.07.2025

Happy Singh @ Pala

... Appellant

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. A. S. Barnala, Advocate, for the appellant.

Mr. H. S. Wadhwa, DAG, Punjab.

H.S. GREWAL, J.(Oral)

The present appeal has been filed against the judgment of conviction and order of sentence passed by the learned Special Court Barnala vide order dated 19.04.2012 vide which appellant has been sentenced to undergo RI for a period of 1 year and to pay a fine of Rs.3000/- and in default thereof to further undergo RI for one month under Section 15(b) of the NDPS Act. for having in his possession 10 Kg.500 gram of Poppy Husk in case arising out of the FIR No.202 dated 11.06.2011 under Section 15 of the NDPS Act, 1985 registered at Police Station City Barnala.

Brief facts of the case are that on 11.06.2011, ASI Ajaib Singh along with HC Harjinder Singh and other police officials were patrolling on the berm of seepage canal. When the police party was about 1 km ahead of Patti road, at about 2.40 p.m. accused Happy Singh @ Pala was seen in a group of trees pouring something from a bag, lying in the footrest of

**CRA-S-1583-SB-2012****-2-**

rickshaw, into an envelope. On seeking the police party he immediately turned his face back and thus was nabbed on suspicion by ASI Ajaib Singh with the help of his companions. After searching by the police party, the accused was found in possession of 10 Kgs 500 grams of poppy heads and thus, he has been convicted and sentenced to undergo RI for a period of 1 year and to pay a fine of Rs.3000/- and in default thereof, to further undergo RI for one months under Section 15(b) of the NDPS Act. Aggrieved against the same, appellant has filed the present appeal before this Court.

Learned counsel for the appellant submits that that he does not want to assail the judgment of conviction, however, prayed that the sentence of the appellant may be reduced. The FIR is of the year 2011 and 14 years have been elapsed and appellant has undergone 2 months 17 days of custody in the present case.

Learned State counsel has pointed out that the appellant has been involved in 3 more cases under NDPS Act. Out of which, one case is of the year 2022 in which he has already undergone the sentence awarded and in other two cases he is still under trial. Out of said three cases, one FIR No.29 dated 26.01.2024 under NDPS Act registered at Police Station City Barnala is the recent one which seems that appellant is still indulging in the illegal activities under the NDPS Act.

Having considered the rigours of trial in this FIR and the fact that 14 years have been elapsed and now the appeal has come up for hearing, the fact that appellant has undergone 2 months and 17 days in this FIR; this appeal is disposed of and sentence of the appellant is reduced to that of 6

**CRA-S-1583-SB-2012****-3-**

months, however, fine is increased to Rs.10,000/- over and above fine imposed by the trial Court.

Disposed of accordingly.

(H.S.GREWAL)
JUDGE

04.07.2025

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No