

S. No.210

2025:PHHC:050811



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2980-SB of 2009 (O&M)

Date of Decision:21.04.2025

Chhinder Kaur and another

.....Appellants

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. D.S. Malwai, Advocate for the appellants.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellants – Chhinder Kaur and Pala Singh were tried by Ld. Special Court, Sangrur in a case arising out of FIR No.403 dated 19.10.2004 under Section 15 of the NDPS Act registered at Police Station Sunam, as they were found in possession of 02 bags of 25 Kg of poppy husk each. After trial, the appellants were convicted under Section 15 of the NDPS Act vide judgment dated 11.11.2009 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of four years each and to pay fine of ₹2,000/- each with default sentence of one month's rigorous imprisonment in case of non-payment of fine each.

2. Against the abovesaid conviction and sentence, this appeal was filed.
3. Today learned counsel for the appellants submits that appellants are no longer in his contact. 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 for a period of four years rigorous



imprisonment each and to pay fine of ₹2,000/- each with default sentence of one month rigorous imprisonment in case of non-payment of fine each, for keeping in possession of 02 bags of 25 kg. of poppy husk each.

5. The custody certificates placed on record by the respondent-State would reveal that appellant- Chhinder Kaur has already undergone total sentence of 05 months and 14 days and appellant-Pala Singh has already undergone total sentence of 05 months and 11 days. Although the appellants have not placed on record any affidavits in terms of order dated 09.02.2024 but custody certificate further indicates that appellant – Pala Singh is involved in five more cases out of which he is on bail in three cases and appellant- Chhinder Kaur has no other criminal antecedents.

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 – Chhinder Kaur and Pala Singh are sentenced to imprisonment for the period already undergone by them. 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 appellants 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