

2025:PHHC:043008



S. No. 312

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

CRA-S-261-SB of 2005 (O&M)

Date of Decision: 28.03.2025

Balbir Singh @ Veera

.....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 Balbir Singh @ Veera was tried by Ld. Special Court, Sangrur in a case arising out of FIR No.80 dated 08.05.2023 under Section 15 of the NDPS Act registered at Police Station Dirba, as he was found in possession of 12 ½ Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 01.02.2005 by the trial Court and was sentenced to undergo rigorous imprisonment for a period one and half year and to pay fine of ₹5,000/- with default sentence of three 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.

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4. However as far as the impugned order of sentence is concerned it is noticed that appellant was sentenced for a period of one and half year and to pay fine of ₹5,000/- with default sentence of three months rigorous imprisonment in case of non-payment of fine for keeping in possession of 12 ½ Kg poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual sentence of 03 months and 22 days. Custody certificate further indicates that appellant is involved in two more cases, i.e. FIR No.20 dated 01.02.2019 registered under Section 22 (Act No.61 of 1985) of the NDPS Act at Police Station Sadar Samana and FIR No.126 dated 22.05.2011 registered under Section 15 (Act No.61 of 1985) of NDPS Act at Police Station Samana but he is on bail in both cases. Although the appellant has not placed on record any affidavit in terms of order dated 27.01.2025 but custody certificate indicates that petitioner is involved in afore-said two cases 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 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.

Disposed of.

March 28, 2025
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(DEEPAK GUPTA)
JUDGE

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