

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-658-SB-2009****Date of Decision: March 10, 2025****Sukhdeep Singh @ Sukhi****... Appellant****Versus**

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Ankush Singla, Advocate for the appellant.

Mr. Surya Kumar, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Appellant – Sukhdeep Singh @ Sukhi was tried by Ld. Special Judge, Barnala in a case arising out of FIR No.87 dated 02.09.2007, under Sections 15 and 18 of the NDPS Act registered at Police Station Bhadaur, as he was found in possession of 2 Kg 500 grams of poppy husk. After trial, the appellant was convicted under Sections 15 and 18 of the NDPS Act vide judgment dated 12.02.2009 by the trial Court and was sentenced to undergo maximum rigorous imprisonment for a period of 09 months and to pay fine of ₹500/- each with default sentence of 01 month rigorous imprisonment in case of non-payment of fine and both the sentences were directed to run concurrently.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines 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 2007; that appellant was young person of 27 years at that time; that appellant has already undergone actual sentence of 03 months and 03 days and is not involved in any other case and so, he deserves 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 has already undergone actual custody sentence of 03 months and 03 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case. He was young boy of 25 years of age at the time of offence, which had taken place way back in 2007 i.e. 18 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.

Disposed of.

March 10, 2025
sarita

(DEEPAK GUPTA)
JUDGE

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