

S. No. 202

2025:PHHC:046385



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

CRA-S-706-SB of 2009 (O&M)

Date of Decision:04.04.2025

Jagtar Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurvinder Pal Singh, Advocate for
Mr. H.S. Rakhra, Advocate for the appellant.

Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Jagtar Singh was tried by Ld. Special Judge, Mansa in a case arising out of FIR No.135 dated 02.06.2004 under Section 15 of the NDPS Act registered at Police Station Sadar Mansa, as he was found in possession of 20 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 02.03.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- with default sentence of 03 months rigorous imprisonment in case of non-payment of fine.

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 2004; that appellant was of 26 years at that time; that appellant had already undergone total sentence of 03 months and 26 days 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 had already undergone total sentence of 03 months and 26 days. It is revealed further that appellant is involved in one more case i.e. FIR No.130 dated 07.08.2013 registered under Section 15 (Act No.61 of 1985) of the NDPS Act at Police Station Raman, Bathinda but he is on bail in that case. The appellant was of 26 years of age at the time of offence, which had taken place way back in 2004 i.e. 21 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. As far as fine is concerned, it will remain same.

Disposed of.

April 04, 2025

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No