



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

202

CRA-S-2882-SB-2010 (O&M)

Date of Decision:-28.03.2025

VIRBHAN

.....Appellant

Vs.

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mayank Aggarwal, Advocate, for
Mr. G.S. Sandhu, Advocate
the appellant.

Mr. R.K.S. Brar, Addl. AG., Haryana.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Special Court, Karnal in a case arising out of FIR No.165 dated 18.07.2007 under Section 15 of the NDPS Act, 1985 registered at Police Station Nissing, Karnal, as he was found in possession of 10 kgs of poppy husk (Chooru Post). After trial, the appellant was convicted under Section 15(b) of the NDPS Act vide judgment dated 17.11.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and six months and to pay fine of ₹10,000/- 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 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 30 years at that time; that appellant has already undergone actual sentence of 02 months and 25 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 has already undergone actual custody sentence of 02 months and 25 days. He was young boy of 30 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. As far as fine is concerned, it will remain the same.

Disposed of.

(DEEPAK GUPTA)
JUDGE

March 28, 2025

Pry

Whether Speaking/reasoned	Yes
Whether Reportable	No