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

**CRA-S No.2776-SB of 2018
Date of Decision: 10.01.2025**

Jagjit Singh @ Banti**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Amandeep Saini Advocate
for the appellant.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present appeal has been filed by the appellant, namely, Jagjit Singh @ Banti against the order dated 22.05.2018 passed by the learned Judge, Special Court, Rupnagar vide which he was convicted in a case bearing FIR No.55, dated 17.07.2017, under Sections 15-61-85 of NDPS Act, registered at Police Station Singh Bhagwantpur and order dated 24.05.2018 vide which the appellant was sentenced to undergo rigorous imprisonment for a period of 04 years and to pay a fine of Rs.10,000/- and in default of payment of fine to further undergo rigorous imprisonment for six months under Section 15(b) of NDPS Act.

2. As per the prosecution story, on 17.07.2017, ASI Ravinder Singh along with other police officials was present at Bus Stand Singh



Bhagwantpur on Kurali-Rupnagar road. Balwant Singh independent witness came there and he was joined in the police party. In the meantime, one Canter bearing registration No.PB-12-Y-3152 driven by the appellant, namely, Jagjit Singh @ Banti came from Kurali side. It was signalled to stop but the driver of the Canter tried to slip away. However the police party stopped it and on search 03 ploythene bags containing Poppy Husk weighing 17 kg 250 grams, and Poppy heads weighing 7 kg 980 grams and 7 kg 280 grams were recovered. The appellant was arrested on the spot and the investigation was completed. After the trial, the appellant was convicted and sentenced as stated above by the learned trial Court, hence this appeal has been filed by the appellant challenging his conviction and sentenced detailed above.

3. Learned counsel for the appellant has submitted that he does not want to challenge the conviction of appellant on merits but as far as sentence part is concerned, he prays that the same may be reduced to that of already undergone by the appellant. He has submitted that the present case pertains to the year 2017 and the appellant has already undergone a period of 07 months and 18 days out of the total awarded sentence of 04 years by the learned trial Court. He has further submitted that the appellant is a poor man, first offender and has clear antecedents and as such a lenient view be taken and the sentence awarded be reduced to that of already undergone.

4. Custody certificate of the appellant dated 08.01.2025 has been filed by learned State counsel today in the Court and the same is

taken on record. Copy thereof has been supplied to learned counsel for the appellant.

5. Learned counsel for the State has opposed the contentions raised by learned counsel for the appellant. He has submitted that the present appeal is liable to be dismissed.

6. Heard.

7. Admittedly the present case pertains to year 2017 and the appellant was convicted and sentenced as stated above in the year 2018 and thus he has faced a protracted trial for about 08 years and a period of 07 years had elapsed. There is nothing on record to show that during this period, the appellant has indulged in any unlawful activity. A perusal of the custody certificate produced by the learned State counsel shows that there is no other case pending or registered against the appellant.

8. Keeping in view all the abovesaid factors into consideration, the conviction awarded by the learned trial Court to the appellant is upheld and maintained as the same has not been challenged on merits. As far as the sentence part is concerned, this Court deems it appropriate to reduce the sentence from 04 years to the period already undergone by the appellant.

9. With the above said observations, the appeal stands disposed of.

10.01.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE