

263

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

CRA-S-1329-2025 (O&M)

Date of decision: 28.05.2025

GOBIND SINGH ALIAS LOVEPREET

....Appellant.

Versus

STATE OF PUNJAB

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ujval Mittal, Advocate for the appellant.
(Legal Aid Counsel)

Mr. K.D. Sachdeva, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-15914-2025

1. The instant application has been preferred under Section 5 of the Limitation Act for condonation of delay of 78 days in filing the criminal appeal.

2. Heard.

3. The application is allowed, subject to all just exceptions.

CRM-15915-2025

1. The aforesaid application is for stay of recovery of fine the same is not pressed at this stage, as the learned counsel for the applicant-appellant is ready to argue appeal on merit.

2. Accordingly, the application stand disposed of as not pressed.

Main case

1. Instant appeal has been preferred against the judgment of conviction and order of sentence dated 05.12.2024, passed by learned Judge, Special Court, Bathinda, whereby the appellant had been held guilty in case

FIR No.36 dated 29.03.2018, under Section 22 of NDPS Act, IPC registered at Police Station GRP, Bathinda. The appellant was convicted and sentenced as under: -

Name of convict	Offence	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Gobind Singh	21(b) of NDPS Act	RI for 02 years with a fine of ₹ 25,000/-	RI for 03 months.

2. Feeling aggrieved by the aforesaid conviction and order of sentence, appellant had preferred the present appeal.

3. It has been *inter alia* contended by learned counsel for the appellant at the very outset that the appellant does not challenge the finding recorded by the learned trial Court in the conviction and order of sentence dated 05.12.2024, passed by learned Judge, Special Court, Bathinda but his only limited prayer is for seeking modification of the order of sentence dated 05.12.2024 passed by the learned trial Court (supra) by submitting that the appellant has already undergone 01 years 11 months 27 days in custody and appellant is a poor person unable to pay the fine, hence he prayed that the period in default of payment of fine awarded by the learned trial Court may kindly be reduced by modifying the order of sentence dated 05.12.2024. Hence prayed for modification of the order of sentence.

4. Learned State Counsel has produced the custody certificate dated 27.05.2025 to contend that the appellant has already undergone 01 years 11 months 28 days out of the total sentence of 2 years awarded to him.

5. After hearing the arguments advanced by learned counsel for the parties, it transpires that although the learned counsel for the appellant has not challenged the genuineness of the impugned judgment of conviction and order of sentence dated 05.12.2024, passed by learned Judge, Special Court, Bathinda, but from the perusal of the impugned judgment, it

transpires that it is based on correct appreciation of evidence on record and does not suffer from any infirmity so as to call for any interference. As a consequence, the conviction recorded vide judgment dated 05.12.2024, passed by learned Judge, Special Court, Bathinda against the appellant is hereby upheld.

6. Admittedly as per the custody certificate, the appellant has already undergone 01 years 11 months 27 days of actual custody and considering the submissions made by learned counsel for the appellant stating that appellant has no means of income and is unable to pay the fine imposed by learned trial Court the consequent prayer to reduce the period in default of payment of fine is accepted.

7. Resultantly, in these circumstances of the case, the present appeal is disposed of by upholding the impugned judgment dated 05.12.2024, passed by learned Judge, Special Court, Bathinda, however, with the modification in the impugned order of sentence dated 05.12.2024, passed by learned Judge, Special Court, Bathinda, as under:-

Name of convict	Offence	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Gobind Singh	21(b) of NDPS Act	RI for 02 years with a fine of ₹ 25,000/-	RI for 01 month.

8. Pending application(s), if any, shall stands disposed of.

28.05.2025

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(SANJIV BERRY)
JUDGE

Yes/No
Yes/No