

2025:PHHC:017495



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

118

CRR-2589-2024 (O&M)
Date of decision: 06.02.2025

Khushpreet Singh @ Baniya**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. R. S. Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction and order on quantum of sentence, both dated 14.07.2023, passed by the learned Principal Magistrate, Juvenile Justice Board, Patiala in criminal case titled as ***State vs. Khushpreet Singh @ Baniya***, arising out of the FIR No. 65 dated 31.07.2018, registered under Section 21 of the NDPS Act, 1985 (Charges framed under Sections 489 and 473 of IPC as well) at Police Station Bhadson, District Patiala, whereby the petitioner was acquitted of the charges framed against him under Sections 489 and 473 of IPC but was held guilty for commission of offence punishable under Section 21 of the NDPS Act, 1985 and was sentenced to undergo detention for 02 years and to pay fine of Rs. 3,000/- with default clause; as well as against the judgment dated 12.11.2024, whereby the appeal of the petitioner had been dismissed by the Court of learned Additional Sessions Judge, Patiala.

2. Today, learned counsel for the petitioner has made a statement so as not to press the present revision against the judgment of conviction, passed by

2025:PHHC:017495



the learned Board, as well as the judgment passed by the learned appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioner is not the previous convict nor any other case of similar nature is pending against him and so looking into these circumstances, the sentence of the petitioner may be reduced to the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. She has filed custody certificate, as per which, the petitioner has already undergone actual sentence of 03 months and 14 days out of total sentence of 02 years as awarded by the learned Board and upheld by the learned appellate Court and he is not involved in any other similar case.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioner, however, considering the fact that the petitioner has faced the agony of protracted trial and he has already undergone actual sentence of 03 months and 14 days out of total sentence of 02 years and is not involved in any other similar case, the present petition is disposed of and the order on quantum of sentence dated 14.07.2023 is modified to the extent that the same is reduced to the period already undergone by him. However, the fine imposed upon the petitioner is upheld.

5. The petitioner is directed to be released from custody forthwith on depositing fine as imposed by the learned Board. His personal/surety bonds be discharged accordingly.

6. Let a copy of this order be sent forthwith to Jail Superintendent as well as the Court concerned for compliance.

2025:PHHC:017495



7. Since the main petition stands disposed of, pending application, if any, shall also be treated as disposed of.

06.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No