



CRA-S-3413-SB-2011

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

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Decided on: 18.02.2026

Gurmukh Singh

... Appellant

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Vats, Advocate for the appellant.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
156	08.10.2008	Julkan (JULKAN)	18 of NDPS Act

Criminal Case number before the Sessions Court	SC No.244 of 16.03.2009/10.03.2010
Date of Decision	15.12.2011
Names of convict	Gurmukh Singh
Conviction under section	18 of NDPS Act
Sentence imposed	RI for nine months and fine of Rs.1,000/-

1. Challenging the judgment of conviction dated 15.12.2011, whereby the appellant was convicted as mentioned above, appellant has come up before this Court by filing the present appeal.
2. Counsel for the appellant submits that appellant was convicted for possessing 250 grams of opium and he has already undergone 03 months 04 days and referred to the custody certificate dated 18.02.2026. He further submits that appellant is facing litigation from the year 2008 and submits that he would be contended and satisfied if the sentence is reduced the period already undergone i.e. 03 months & 04 days.
3. On the other hand, counsel for the State submits that period undergone by the appellant is 03 months & 04 days and prayed for dismissal of the bail on merits.
4. At this stage, counsel for the appellant by referring to mitigating factors, submits

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that appellant is now 71 years old and he is patient of sugar and also suffering from other ailments related to heart and his wife is also suffering from kidney and arthritis problem. There is no other member in family to look after them and recovery of opium from the appellant is non-commercial.

5. I have heard counsel for the parties and gone through the record.

6. Since, appellant is 71 years of age and suffering from various ailments, maximum sentence imposed in this case is 9 months and State counsel failed to point out to this Court that whether appellant has repeated the offence or not, as such given the facts peculiar to this case, judgment of conviction is upheld and the sentence imposed by the appellant is reduced to the sentence already undergone by the appellant. Amount of fine, if already not deposited, be deposited within 60 days from the date of passing of this order. Surety bonds if any furnished, stand discharged.

7. Appeal is disposed of with the aforesaid observation. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

18.02.2026
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Whether speaking/reasoned: Yes
Whether reportable: No