



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

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CRA-S-2270-SB-2009 (O&amp;M)

Date of Decision.:25.04.2025

Sukhwinder Singh

.....Appellant

Vs.

State of Haryana

.....Respondent

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Nandan Kumar, Advocate for  
Mr. Dinesh Malik, Advocate for  
the appellant.

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

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**DEEPAK GUPTA, J. (ORAL)**

Appellant Sukhwinder Singh was tried by Ld. Sessions Judge (Fast Tract Court), Hisar in a case arising out of FIR No.244 dated 02.09.2007 under Section 15 of the NDPS Act registered at Police Station Adampur, as he was found in possession of 02 kg 200 gm of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 11.09.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹10,000/- with default sentence of 02 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 has already undergone actual sentence of 01 month and 29 days and is not involved in any other case 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 01 month and 29 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case. He was 50 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.

9. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate



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concerned, within a period of four weeks' from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

**( DEEPAK GUPTA )  
JUDGE**

**April 25, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No