



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

205

CRA-S-2882-SB-2009

Date of Decision.:03.03.2025

Subhash Chand

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Deepak Sabharwal, Advocate
for the appellant.

Mr. Rajeev K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant Subhash Chand along with two others was tried by Ld. Special Court, Ropar in a case arising out of FIR No.10 dated 03.02.2004 under Section 18 of the NDPS Act registered at Police Station Anandpur Sahib, as all three of them were found in possession of 01 Kg 800 gms of opium. After trial, the appellant was convicted under Section 18 of the NDPS Act vide judgment dated 26.11.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of 02 years and to pay fine of ₹5,000/- with default sentence of 06 months 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 2004; that appellant was young person of 23 years at that time; that appellant has already undergone actual sentence of 02 months and 14 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 02 months and 14 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 young boy of 23 years of age at the time of offence, which had taken place way back in 2004 i.e. 21 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.

Disposed of.

(DEEPAK GUPTA)
JUDGE

March 03, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No