



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

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CRA-S-3239-SB-2010

Date of Decision.:12.05.2025

Swarn Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

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

Present:- Mr. Arjun Sawhni, Advocate for  
Mr. Manu K. Bhandari, Advocate  
for the appellant.

Ms. Pratibha Bali, AAG, Punjab.

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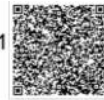
**DEEPAK GUPTA, J. (ORAL)**

Appellant Swarn Singh was tried by learned Special Judge, Fatehgarh Sahib in a case arising out of FIR No.42 dated 09.04.2009 under Section 18 of Narcotic Drugs and Psychotropic Substances Act registered at Police Station Bassi Pathana. After trial, the appellant Swarn Singh was convicted under Section 18 of Narcotic Drugs and Psychotropic Substances Act vide judgment dated 16.12.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of eight months and to pay fine of ₹2,000/- with default sentence of 01 month 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

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2009; that appellant Swarn Singh was 50 years of age at that time and he has already undergone actual sentence of 06 months 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 Swarn Singh has already undergone actual sentence of 06 months. He was 50 years of age at the time of offence, which had taken place way back in 2009 i.e. 16 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 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**

**May 12, 2025**

Neetika Tuteja

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