

S. No.213

2025:PHHC:050860



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRA-S-725-SB of 2010 (O&M)
Date of Decision:21.04.2025**

Vijay Singh and another

.....Appellants

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Supneet Singh, Advocate for Mr. P.S. Dhaliwal,
Advocate for the appellants.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellants- Vijay Singh and Lali Singh were tried by Ld. Special Court, Barnala in a case arising out of FIR No.57 dated 28.02.2009 under Section 15 of the NDPS Act registered at Police Station City Barnala, as they were found in joint possession of 10 Kg of poppy husk. After trial, the appellants were convicted under Section 15 of the NDPS Act vide judgment dated 13.03.2010 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of four months each and to pay fine of ₹250/- each with default sentence of 15 days rigorous imprisonment each in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Today learned counsel for the appellants stated at the outset that appellants do not press the appeal against the judgment of conviction; and that appellants confine their prayer only against order of sentence. It is submitted that appellants would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

4. Learned counsel points out that offence pertains to the year 2009; that appellants – Vijay Singh and Lali Singh were of 27 and 19 years respectively at that time; that appellants had already undergone total sentence of 02 months



and 10 days and 02 months and 19 days respectively and so, they deserve to be sentenced for the period already undergone by them.

5. Learned State Counsel has not seriously objected to aforesaid prayer.

6. The custody certificate placed on record by the respondent-State would reveal that appellants- Vijay Singh and Lali Singh had already undergone total sentence of 02 months and 10 days and 02 months and 19 days respectively. It is revealed further that appellant- Vijay Singh is involved in three more cases whereas appellant – Lali Singh is involved in two more cases out of which he is on bail in one case and was acquitted in the other case. They were of 27 and 19 years of age respectively 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 appellants, instead of sending them 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 appellants are sentenced to imprisonment for the period already undergone by them. As far as fine is concerned, it will remain same.

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.

April 21, 2025
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(DEEPAK GUPTA)
JUDGE

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