



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

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CRA-S-578-SB-2009

Date of Decision.:12.05.2025

Dharamender

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Godara, Advocate for the appellant.

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

DEEPAK GUPTA, J. (ORAL)

Appellant Dharamender was tried by Ld. Special Judge, Rohtak in a case arising out of FIR No.42 dated 26.01.2008 under Sections 15 of NDPS Act registered at Police Station City, Rohtak. After trial, the appellant was convicted under Section 15 of NDPS Act vide judgment dated 30.01.2009 by the trial Court and was sentenced to undergo maximum sentence for two years rigorous imprisonment and to pay fine of ₹20,000/- with default sentence of 03 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 their 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 2008; that appellant has already undergone actual sentence of 02 months and 10 days and is not involved in any other case and so, he deserves to be sentenced for the period already undergone by them.



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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 sentence of 02 months and 10 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after their conviction, appellant have been involved in any other case.

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