



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

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**CRA-S-706-SB-2010 (O&M)
Date of Decision.:02.04.2025**

Barjinder Singh @ Binder Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal R. Lamba, Advocate for
Mr. Daldeep Singh, Advocate for
the appellant.

Mr. R.K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant Barjinder Singh @ Binder Singh along with Bant Singh @ Ghogar were tried by Ld. Special Court, Mansa in a case arising out of FIR No.61 dated 08.06.2006 under Section 15 of the NDPS Act registered at Police Station Joga, as they were found in possession of 35 kgs of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 19.02.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹50,000/- with default sentence of two years 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.



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4. Learned counsel points out that offence pertains to the year 2006; that appellant was young person of 24 years at that time; that appellant has already undergone actual sentence of more than 09 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. So far as custody of the appellant is concerned, as per order dated 25.11.2010, whereby the sentence of the appellant was suspended, the appellant had already undergone custody of more than 09 months. He was 24 years of age at the time of offence, which had taken place way back in 2006 i.e. 19 years back. Thus, by now he is not less than 43 years of age.

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. As far as the fine is concerned, it will remain same.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

April 02, 2025

Neetika Tuteja

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