

**103 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-1370-SB-2004****Date of Decision: April 03, 2025****Balwinder Singh alias Billu****... Appellant****Versus**

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Rajat Dogra, Advocate for
Ms. Nikita Goel, Advocate for the appellant.

Mr. Rajeev K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Appellant – Balwinder Singh alias Billu was tried by learned Judge, Special Court, Moga, in a case arising out of FIR No.48 dated 26.06.2002 under Section 15(b) of the NDPS Act registered at Police Station Mehna, as he was found in possession of 20 Kg of poppy straw. After trial, the appellant was convicted under Section 15(b) of the NDPS Act vide judgment dated 26.05.2004 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹10,000/- with default sentence of 02 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 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 2002; that appellant was young person of 36 years at that time; that appellant has already undergone actual sentence of almost 10 months, 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. As far as order of sentence is concerned, the custody certificate placed on record by learned State counsel would reveal that the appellant has already undergone actual custody period of 09 months and 28 days, i.e. almost 10 months, out of total 02 years of sentence. At the same time, it is noticed that appellant is also a convict in other cases of similar nature.

7. Considering the fact that the offence was committed way back in 2002 and appellant has already undergone actual custody of almost 10 months, the imprisonment period of the appellant is reduced to the period already undergone by the appellant, but the fine of ₹10,000/- as imposed by the trial Court is hereby enhanced to ₹25,000/-. It is directed that the appellant shall pay the said fine of ₹25,000/- before the trial Court, deducting ₹10,000/-, already imposed, if already paid, within a period of one month from today, failing which the appellant will have to undergo the remaining sentence as per order of the trial Court.

Disposed of.

April 03, 2025

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No