



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

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**CRA-S-1720-SB-2009 (O&M)
Date of Decision.:02.04.2025**

Surender Singh @ Pappi

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Sahu, Advocate
for the appellant.

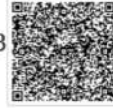
Mr. R.K.S. Brar, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Appellant Surender Singh was tried by Ld. Additional Sessions Judge, Sirsa in a case arising out of FIR No.48 dated 03.03.2005 under Section 17, 18 of the NDPS Act registered at Police Station Rania, as he was found in possession of 99 gms of opium. After trial, the appellant was convicted under Section 18 of the NDPS Act vide judgment dated 03.07.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹40,000/- with default sentence of 03 months simple 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 2005; that appellant was young person of 33 years at that time; that appellant has already undergone actual sentence of 03 months and 21 days and is not involved in any other case 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 has already undergone actual custody sentence of 03 months and 21 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case. He was 33 years of age at the time of offence, which had taken place way back in 2005 i.e. 20 years back. Thus, by now he is not less than 53 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