

S. No.330

2025:PHHC:043021



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

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**CRA-S-1366-SB of 2005 (O&M)**

**Date of Decision:28.03.2025**

**Sanjay Kumar**

**.....Appellant**

**Vs.**

**State of Haryana**

**.....Respondent**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- None for the appellant.

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

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**DEEPAK GUPTA, J. (Oral)**

Appellant Sanjay Kumar was tried by Ld. Special Court, Faridabad in a case arising out of FIR No.100 dated 04.03.2004 under Section 15 of the NDPS Act registered at Police Station Saran, as he was found in possession of 09 Kg of Ganja. After trial, the appellant was convicted under Section 20(b)(ii)(B) of the NDPS Act vide judgment dated 01.06.2005 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹20,000/- with default sentence of one year rigorous imprisonment in case of non-payment of fine.

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

3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.



4. However as far as the impugned order of sentence is concerned it is noticed that appellant was sentenced for a period of five years and to pay fine of ₹20,000/- with default sentence of one year rigorous imprisonment in case of non-payment of fine for keeping in possession of 09 Kg Ganja.

5. The custody certificate dated 01.02.2024 placed on record by the respondent-State would reveal that appellant has already undergone actual sentence of 03 years 10 months and 28 days. Custody certificate further indicates that appellant is involved in two more cases i.e. FIR No.407 dated 26.08.2003 registered under Section 457, 380 IPC at Police Station Sector-7, Faridabad in which later on he was sentenced to imprisonment already undergone by him and FIR No.39 dated 31.01.2004 registered under Section 380 IPC at Police Station Mujessar, Faridabad in which later on he was acquitted.

6. 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.

7. 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 fine is concerned, it will remain same.

Disposed of.

March 28, 2025  
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( DEEPAK GUPTA )  
JUDGE

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