



CRA-S-2709-2025 (O&M)

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

CRA-S-2709-2025 (O&M)
Decided on: 01.09.2025

Mithun

..... Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

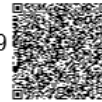
Present: Mr. Avtar Singh Bhatti, Advocate
 for the appellant.

 Mr. J.S. Arora, D.A.G., Punjab.

Rajesh Bhardwaj, J.

1. Present appeal has been preferred by the appellant against the order passed by learned Additional Sessions Judge, Hoshiarpur, whereby, appellant was convicted for the offence under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 vide order dated 01.08.2025 and sentenced him to undergo rigorous imprisonment for 06 months.

2. Brief facts of the case of the prosecution are that on 14.06.2021, while the police party on patrolling reached near Chandigarh Colony towards Railway crossing, saw a clean shaved person, carrying a glazed envelope in his right hand. On seeing the police party, he got perplexed and threw the glazed envelope, however, he was apprehended by the police. On asking, he disclosed his name as Mithun. On conducting the search of the glazed envelope thrown by the petitioner, 40 grams of



intoxicant powder was recovered. He failed to produce any licence for the possession of the same. Hence, the FIR was registered and he was arrested on spot. The investigation commenced. Samples taken were sent to the FSL. On the conclusion of the trial, learned trial Court found the charges to have been proved by the prosecution beyond reasonable doubts against the appellant and thus, convicted and sentenced him as stated above vide order dated 01.08.2025.

3. Learned counsel for the appellant has submitted before this Court that the appellant is facing rigors of criminal proceedings since 01.08.2025. He submits that the petitioner was awarded sentence of 06 months rigorous imprisonment and as per custody certificate, he has already undergone sentence of more than 01 month as on 01.09.2025. He submits that the appellant does not press his conviction on merits but prays for taking a lenient view and the appeal be disposed of by reducing the sentence to already undergone by the appellant, keeping in view the mitigating circumstances.

4. Notice of motion.

5. On asking of the Court, Mr. J.S. Arora, D.A.G., Punjab, appears and accepts notice on behalf of the State. He has opposed the submissions made by learned counsel for the appellant and has produced the custody certificate of the appellant, which would show that the appellant has completed an actual sentence of 01 month and 21 days as on 01.09.2025.

6. The Court has heard learned counsel for the parties and with their able assistance perused the record. Appellant has assailed the



impugned order dated 01.08.2025, wherein, he was convicted and sentenced, however, the conviction of the appellant is not challenged on merits by counsel for the appellant. Though he was prosecuted in other cases as well, as reflected from the custody certificate, however, it is apparent that out of awarded sentence of 06 months, he has already completed an actual sentence of 01 month and 21 days as on 01.09.2025. Needless to say that the appellant is facing rigors of criminal proceedings since the year 2021. In the overall facts and circumstances, there are mitigating circumstances for considering the prayer made by counsel for the appellant as considerable amount of sentence has already been undergone. Keeping in view all the above facts, the present appeal is disposed of by reducing the sentence of the appellant to that already undergone by him, however, the conviction awarded to the appellant shall remain intact.

01.09.2025

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**(RAJESH BHARDWAJ)
JUDGE**

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No