



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

\*\*\*\*

**101+201**

**CRM-4986-2025 in/and  
CRA-S-2130-SB-2009 (O&M)  
Date of Decision.:05.03.2025**

**Vijay Kumar**

**.....Appellant**

**Vs.**

**State of Punjab**

**.....Respondent**

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

Present:- Mr. A.S. Ahluwalia, Advocate and  
Mr. Kamaljeet Singh Brar, Advocate for  
the appellant.

Mr. Puru Jarewal, AAG, Punjab.

\*\*\*\*

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

**CRM-4986-2025:**

This is an application under Section 528 BNSS to place on record the affidavit of appellant as Annexure A-1.

2. Allowed.
3. Annexure A-1 is taken on record.

**Main case.:**

4. Appellant Vijay Kumar was tried by Ld. Special Court, Bathinda in a case arising out of FIR No.47 dated 05.09.2006 under Section 15 of the NDPS Act registered at Police Station Cantt, Bathinda, as he was found in possession of 5 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 01.09.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of four months and to pay fine of ₹1,000/- with default sentence of 01 month rigorous imprisonment in case of non-payment of fine.

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



**CRM-4986-2025 in/and  
CRA-S-2130-SB-2009 (O&M)**

**-2-**

6. 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.

7. 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 02 months and 15 days and is not involved in any other case and so, he deserves to be sentenced for the period already undergone by him.

8. Learned State counsel has not seriously objected to the aforesaid prayer.

9. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 02 months and 15 days. In compliance of order dated 22.11.2023 appellant has also placed on record his affidavit (Annexure A-1), as per which though FIR No.44 of 2018 was registered against him by the police but the same was cancelled. Two more FIRs in 2019 and 2021 were registered against him under the Pesticides Act in which fine was imposed upon him and appeal against that conviction is still pending. Affidavit further shows that old mother of the appellant aged 70 years, two minor children, wife, sister, nephew and niece are dependent upon the appellant. Learned counsel has also pointed out that appellant was young boy of 24 years of age at the time of offence, which had taken place way back in 2006 i.e. 19 years back.

10. 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



**CRM-4986-2025 in/and  
CRA-S-2130-SB-2009 (O&M)**

**-3-**

the company of hardened criminals.

11. 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.

Disposed of.

**( DEEPAK GUPTA )  
JUDGE**

**March 05, 2025**

Neetika Tuteja

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