



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

245

CRA-S-1886-SB-2009

Date of Decision:-25.04.2025

BIRA SINGH

.....Appellant

Vs.

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

Mr. R.K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Special Court, Barnala in a case arising out of FIR No.4 dated 06.01.2008 under Section 18 of the NDPS Act, 1985 registered at Police Station Barnala as he was found in possession of 750 grams of opium. After trial, the appellant was convicted vide judgment dated 29.07.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one and a half year and to pay fine of ₹1000/- with default sentence of two months 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 one and a half years and to pay fine of ₹1000/- with default sentence of two months rigorous imprisonment in case of non-payment of fine.

5. Counsel for the respondent-State states that the appellant has already undergone actual custody sentence of 01 months and 22 days and further states that appellant is neither involved in any other criminal case nor involved in any criminal activity after the impugned conviction.

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.

8. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trail Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

April 25, 2025

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Whether Speaking/reasoned	Yes
Whether Reportable	No