

S. No.204

2025:PHHC:050610



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

CRA-S-1102-SB of 2009 (O&M)

Date of Decision:21.04.2025

Jasbir Singh @ Kikkar Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ankit, Advocate for the appellant.

Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Jasbir Singh alias Kikkar Singh was tried by Ld. Special Judge, Ferozepur in a case arising out of FIR No.27 dated 13.1.2003 under Section 15 of the NDPS Act registered at Police Station Sadar Abohar, as he was found in possession of 30 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 21.04.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹5,000/- with default sentence of 02 months rigorous 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 do not press the appeal against the judgment of conviction; and that appellant confine 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.

4. Learned counsel also points out that offence pertains to the year 2003; that appellant was of 38 years at that time; the appellant – Jasbir Singh had undergone actual sentence of three months as per the order dated 18.05.2009 passed by this Court, he has no other criminal antecedents and so, he deserve to be sentenced for the period already undergone by him.

5. Learned State Counsel has not seriously objected to the aforesaid prayer.

6. As per the order dated 18.05.2009 passed by this Court, the appellant- Jasbir Singh has already undergone actual sentence of three months out of total sentence of two years. It is further revealed that appellant- Jasbir Singh alias Kikkar Singh has no criminal antecedents. He was of 38 years of age at the time of offence, which had taken place way back in 2003 i.e. 22 years back.

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 fine is concerned, it will remain same.

9. 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

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of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

April 21, 2025

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No