



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

205

CRA-S-1696-SB-2010

Date of Decision.:02.04.2025

Nazar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dhanpat Rai Singh, Advocate for
the petitioner.

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

DEEPAK GUPTA, J. (ORAL)

Petitioner Nazar Singh was tried by Ld. Special Court, Bathinda in a case arising out of FIR No.112 dated 31.10.2006 under Section 18 of NDPS Act registered at Police Station Raman as he was found in possession of 500 gms of opium. After trial, the petitioner was convicted under Section 18 of NDPS Act vide judgment dated 10.07.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹5,000/- with default sentence of one month simple 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 petitioner stated at the outset that petitioner does not press the appeal against the judgment of conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that petitioner would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year



CRA-S-1696-SB-2010

-2-

2010; that petitioner was of 57 years at that time; that petitioner has already undergone actual sentence of 01 month and 27 days and so, he deserves to be sentenced for the period already undergone by him.

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

6. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 01 month and 27 days. He was 57 years of age at the time of offence, which had taken place way back in 2010 i.e. 15 years back. Thus, by now he is not less than 77 years of age. The custody certificate further reveals that though petitioner is involved in one more case registered against him in 2005 but he was bailed out in the same in August, 2010.

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 petitioner, 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 petitioner is sentenced to imprisonment for the period already undergone by him. As far as the fine is concerned, it will remain same.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

April 02, 2025

Neetika Tuteja

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