



102 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1967-SB-2004

Date of Decision: April 24, 2025

Puneet Kumar

... Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Simran, Legal Aid Counsel for the appellant.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

Appellant – Puneet Kumar was tried by learned Judge, Special Court, Kurukshetra in a case arising out of FIR No.42 dated 26.04.2000, under Section 15 of the NDPS Act and Section 61(1)(a) of the Punjab Excise Act,1914, registered at Police Station Shahabad, as he was found in possession of 7.2 Kg of poppy husk, besides 384 pouches of illicit liquor make Hero whiskey. After trial, the appellant was convicted and sentenced by the trial Court vide judgment and order dated 17.08.2004, which is as under:-

Sr. No.	Offence	Sentence (R.I)	Fine	Further sentence in case of non-payment of fine
1.	15 NDPS Act	02 years	₹20,000/-	R.I. for 01 year
2.	61(1)(a) Excise Act	01 year	₹5,000/-	R.I. for 03 months

Both the substantive sentences were directed to run concurrently.

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

3. 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.

4. Learned counsel points out that offence pertains to the year 2004; that appellant was young person of 24 years at that time; that appellant has already undergone actual sentence of 04 months and 10 days

and is not involved in any other case 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 appellant has already undergone actual custody sentence of 04 months and 10 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case. He was young boy of 24 years of age at the time of offence, which had taken place way back in 2004 i.e. 21 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.

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 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 24, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No