



241

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

**CRM No.26728 of 2025 in/and
CRA-S No.2096 of 2025
Date of Decision: 05.09.2025**

Swaran Singh @ Ashu

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lovepreet Singh Sidhu, Advocate for
Mr. S. S. Maini, Advocate
for the appellant.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

CRM-26728-2025

Instant application has been filed praying for suspension of sentence of the applicant-appellant during the pendency of the present appeal.

Learned counsel for the applicant-appellant has submitted that the applicant-appellant has been falsely implicated in the present case. He has submitted that the appeal is most likely to succeed on the basis of the grounds taken therein, which stands admitted and the applicant-appellant has undergone the sentence of 05 months and 14 days



out of the total sentence of one year and thus, his sentence be suspended or reduced to already undergone by him.

In the totality of facts and circumstances of the case and keeping in view the custody period undergone by the applicant-appellant, the present application stands disposed of. The main case is ordered to be listed on Board today itself.

CRA-S-2096-2025

1. Present appeal has been filed by the appellant, namely, Swaran Singh @ Ashu against the order dated 21.05.2025 passed by the learned Judge, Special Court, Moga vide which he was convicted in a case bearing FIR No.134, dated 19.12.2017, under Sections 22, 29 of NDPS Act, registered at Police Station Sadar Moga, District Moga and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.5,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month under Section 22(b) of NDPS Act.

2. As per the prosecution story, on 19.12.2017, SI Mangal Singh along with other police officials was going towards Ghal Kalan, Bukanwala, Mothawali and when they reached near bridge of drain, then one clean shaven young man was seen coming from opposite side. On seeing the police, he got perplexed and tried to run. However on suspicion, he was apprehended. On asking, he disclosed his name to be Swaran Singh @ Ashu (appellant). He was suspected to be carrying some contraband in the polythene envelope being carried by him and thus, his



search was conducted. On conducting the search, 22 strips of Alprazolam (each strip having 10 tablets, total 220 tablets) were recovered. He failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. However, the investigation was completed and after the trial, the appellant was convicted and sentenced as stated above by the learned trial Court, hence this appeal has been filed by the appellant challenging his conviction and sentenced detailed above.

3. Learned counsel for the appellant has submitted that he does not want to challenge the conviction of appellant on merits but as far as sentence part is concerned, he prays that the same may be reduced to that of already undergone by the appellant. He has submitted that the present case pertains to the year 2017 and the appellant has already undergone the actual sentence of 05 months and 14 days of the total awarded sentence of 01 year by the learned trial Court. He has further submitted that the appellant is involved in one more case under the NDPS Act. He has submitted that as such a lenient view be taken and the sentence awarded be reduced to that of already undergone.

4. Custody certificate of the appellant dated 04.09.2025 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the appellant.



5. Learned counsel for the State has opposed the contentions raised by learned counsel for the appellant. He has submitted that the present appeal is liable to be dismissed.

6. Heard.

7. Admittedly the present case pertains to year 2017 and the appellant was convicted and sentenced as stated above in the year 2025 and thus he has faced a protracted trial for about 08 years. There is nothing on record to show that during this period, the appellant has indulged in any unlawful activity. A perusal of the custody certificate produced by the learned State counsel shows that the appellant is involved in one more case.

8. Keeping in view all the abovesaid factors into consideration, the conviction awarded by the learned trial Court to the appellant is upheld and maintained as the same has not been challenged on merits. As far as the sentence part is concerned, this Court deems it appropriate to reduce the sentence from one year to the period already undergone by the appellant.

9. With the above said observations, the appeal stands disposed of. Pending application, if any also stands disposed of.

05.09.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No