

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-9538-2025 in/and
CRA-S-773-2025 (O&M)
Date of Decision:07.03.2025

BALRAJ SINGH

...Appellant

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saksham Dudeja, Advocate for the applicant/appellant.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

CRM-9538-2025

This is an application filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 435 days in filing the present appeal.

For the reasons mentioned in the application, coupled with the fact that wife of the applicant/appellant due to lack of legal knowledge and financial assistance, appeal got delayed by 435 days and presently Mr. Saksham Dudeja, Advocate is contesting on behalf of the applicant/appellant as Pro bono, delay of 435 days in filing the appeal is condoned.

CRM stands disposed of.

CRA-S-773-2025

The present criminal appeal has been preferred against the judgment dated 26.10.2023 passed by Addl. Judge, Special Court, Ludhiana whereby, the appellant is sentenced under Section 15 NDPS Act, to undergo rigorous imprisonment for a period of 02 years and to pay fine of



Rs.20,000/- and in default thereof, to further undergo rigorous imprisonment for three months and under 207 Motor Vehicle Act to undergo rigorous imprisonment for a period of 01 month and to pay a fine of Rs.2,000/- and in default thereof, to further undergo rigorous imprisonment for a 15 days.

2. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

3. Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua the quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgments as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.

4. As far as the quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the appellant has already faced the agony of protracted trial for a period of almost 1 year 04 months and 12 days, he is sole bread winner for his family. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve him; to become a model citizen; and to lead a peaceful & harmonious life.

5. Taking into consideration the above narrated discussion as well as the fact that the appellant has not challenged his conviction on merits,



while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change to the fine clause.

6. With the aforesaid modification in the quantum of sentence, the present criminal appeal petition stands disposed off.

7. The appellant is ordered to be released forthwith in case he is not required in any other case.

8. Pending miscellaneous application(s), if any, shall stand(s) disposed of.

(SANDEEP MOUDGIL)
JUDGE

07.03.2025

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*