

2025:PHHC:053295



S. No. 340

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-210-SB of 2006 (O&M)

Date of Decision:25.04.2025

Lajpal Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Veneet Sharma, Advocate for the appellant.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Lajpal Singh was tried by Ld. Special Court, Amritsar in a case arising out of FIR No.58 of 2003 under Section 22 of the NDPS Act registered at Police Station Islamabad, Amritsar, as he was found in possession of 15 grams of smack. After trial, the appellant was convicted under Section 21 of the NDPS Act vide judgment dated 16.01.2006 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹200/- with default sentence of 15 days' 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 points out that offence pertains to the year 2003; that appellant was of 24 years at that time; that appellant remained in custody from 16.01.2006, the date of conviction till 15.02.2006 when his sentence was



suspended by this Court 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. Although custody certificate has not been placed on record but perusal of order dated 15.02.2006 passed by this Court would reveal that the appellant remained in custody from 16.01.2006, the date of conviction till 15.02.2006 when his sentence was suspended by this Court. He was of 24 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 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 25, 2025
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(DEEPAK GUPTA)
JUDGE

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