



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA-S-1126-SB-2009

Date of Decision.:25.04.2025

Binder Singh and Others

.....Appellants

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Kumar, Advocate for
Mr. P.S. Sekhon, Advocate for
appellant No.1.

Mr. Lal Singh Sandhu, Advocate for
appellant Nos.2 and 3.

Mr. R.K.S. Brar, Addl. AG, Haryana.

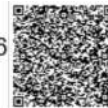
DEEPAK GUPTA, J. (ORAL)

Out of the three appellants, one of them namely Balwant Singh has already expired.

2. Learned State counsel does not dispute the said fact.

3. As such, the present appeal *qua* appellant Balwant Singh stands abated.

4. Appellants Binder Singh and Darshan Singh were tried by learned Sessions Judge, Sirsa in a case arising out of FIR No.169 dated 26.12.2006 under Section 17/18 of Narcotic Drugs and Psychotropic Substances Act registered at Police Station Rori. After trial, the appellants Binder Singh and Darshan Singh were convicted under Sections 18 of Narcotic Drugs and Psychotropic Substances Act vide judgment dated 07.04.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year each and to pay fine of ₹10,000/-



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each with default sentence of 03 months rigorous imprisonment in case of non-payment of fine vide a separate order dated 15.04.2009.

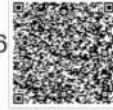
4. Against the abovesaid conviction and sentence, this appeal was filed.

6. Today learned counsel for the petitioner stated at the outset that appellants does not press the appeal against the judgment of conviction; and that appellants confines their prayer only against order of sentence. It is submitted that appellants would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

7. Learned counsel points out that offence pertains to the year 2006; that appellant Binder Singh was young person of 25 years at that time and appellant Darshan Singh was of 37 years of age at that time; that appellant Binder Singh has already undergone actual sentence of 02 months and 25 days and is not involved in any other case; appellant Darshan Singh has already undergone actual sentence of 02 months and 21 days and is not involved in another case and so, they deserves to be sentenced for the period already undergone by them.

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

9. The custody certificate placed on record by the respondent-State would reveal that appellant Binder Singh has already undergone actual sentence of 02 months and 25 days and appellant Darshan Singh has already undergone actual sentence of 02 months and 21 days. It is revealed further that they have no criminal antecedents. Nothing has been brought on record to suggest that after their conviction, appellants have been involved in any other case. They were 25 and 37 years of age respectively at the time of offence, which had taken place way back in 2006 i.e. 19 years back.

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10. 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 appellants, instead of sending them behind bars in the company of hardened criminals.

11. 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 appellants Binder Singh and Darshan Singh are sentenced to imprisonment for the period already undergone by them.

12. 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 appellants will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

April 25, 2025

Neetika Tuteja

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