

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-708-SB-2009****Date of Decision: July 16, 2025****Gurjit Singh****... Appellant****Versus**

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Ankit Bhinchar, Advocate for
Mr. S.P.S. Sidhu, Advocate for the appellant.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Appellant - Gurjit Singh was tried by learned Judge, Special Court, Moga in a case arising out of FIR No.423 dated 24.12.2006, under Section 18 of the NDPS Act, registered at Police Station Baghapurana, as he was found in possession of 2 Kg. 400 gm. of opium. After trial, the appellant was convicted under Section 18(c) of the NDPS Act vide judgment dated 03.03.2009 by the trial Court. Vide a separate order dated 06.03.2009, he was sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹20,000/- with default sentence of 01 year 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 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 2006; that appellant was a young person of 21 years at that time; that

appellant has already undergone actual sentence of 09 months and 01 day 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 seriously objected to the aforesaid prayer.

6. However, the custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 09 months and 01 day. 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 21 years of age at the time of offence, which had taken place way back in 2006 i.e. 19 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.

July 16, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No