

2025:PHHC:050751



S. No. 209

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

CRA-S-2382-SB of 2009 (O&M)

Date of Decision:21.04.2025

Lakhvir Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Kanisth Ganeriwala, Advocate for the appellant.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Lakhvir Singh was tried by Ld. Special Court, Mansa in a case arising out of FIR No.127 dated 30.08.2005 under Section 18 of the NDPS Act registered at Police Station Jhunir, as he was found in possession of 400 grams of opium. After trial, the appellant was convicted under Section 18 of the NDPS Act vide judgment dated 29.09.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- with default sentence of 03 months 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 2005; that appellant was of 25 years at that time; that appellant had already undergone



total sentence of 01 month and 07 days 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. The custody certificate placed on record by the respondent-State would reveal that appellant had already undergone total sentence of 01 month and 07 days. It is revealed further that appellant has no other criminal antecedents. He was of 25 years of age at the time of offence, which had taken place way back in 2005 i.e. 20 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 21, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No