

(104)

2025:PHHC:043515



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

CRA-S-2512-SB of 2004 (O&M)

Date of Decision:01.04.2025

Gurmit Singh

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kapil Aggarwal, Advocate
for Mr. Pankaj Nanhera, Advocate
for the appellant.

DEEPAK GUPTA, J. (Oral)

Appellant- Gurmit Singh was tried by Ld. Special Judge, Panipat in a case arising out of FIR No.422 dated 13.09.1999 under Section 15 of the NDPS Act registered at Police Station City Panipat, as he along with co-accused was found in possession of 16 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 16.11.2004 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹30,000/- with default sentence of 02 months 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 1999; that appellant had already undergone sentence of 03 months 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. Learned State Counsel also conceded to the fact that appellant had already undergone sentence of 03 months. It is revealed further that appellant has no criminal antecedents. The offence had taken place way back in 1999 i.e. 26 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.

Disposed of.

April 01, 2025
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(DEEPAK GUPTA)
JUDGE

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