IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
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CRA-S-1769-SB-2010 (O&M)
Date of Decision:03.04.2025

Pritam Singh @ Preeti **.....Appellant**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Kumar, Advocate for
Mr. P.S. Sekhon, Advocate for the appellant.

Mr. Rajiv K. Takkar, DAG, Punjab.

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DEEPAK GUPTA, J. (Oral)

Appellant- Pritam Singh @ Preeti was tried by Ld. Special Judge, Mansa in a case arising out of FIR No.77 dated 19.06.2008 under Section 15 of the NDPS Act registered at Police Station Bhikhi, as he was found in possession of 12 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 09.07.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹5,000/- with default sentence of 03 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.

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4. Learned counsel points out that offence pertains to the year 2008; that appellant was of 40 at that time; that appellant had already undergone total sentence of 03 months and 15 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 03 months and 15 days. It is revealed further that appellant- Pritam Singh is involved in two more cases i.e. FIR No.39 dated 01.06.2014 registered under Sections 18/25 (Act No.61 of 1985) of NDPS Act at Police Station sadar Budhlada and FIR No.72 dated 03.10.2013 registered under Section 15 (Act No.61 of 1985) at Police Station Sadar Budhlada but he is on bail in those cases. He was of 40 years at the time of offence, which had taken place way back in 2008 i.e. 17 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 03, 2025 **(DEEPAK GUPTA)**
renu **JUDGE**

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

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