



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRA-S-2218-SB-2009 (O&M)

Date of Decision:-27.03.2025

BALBIR SINGH @ BIRI

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Special Court, Nawanshahr in a case arising out of FIR No.401 dated 22.11.2003 under Section 15 of the NDPS Act registered at Police Station Banga, as he was found in possession of 05 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 10.09.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- with default sentence of one month rigorous imprisonment in case of non-payment of fine.

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

3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.



4. However as far as the impugned order of sentence is concerned it is noticed that appellant was sentenced for a period of for a period of one year and to pay fine of ₹500/- with default sentence of one month rigorous imprisonment in case of non-payment of fine for keeping in possession of 5 Kg poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 01 month and 27 days. Custody certificate further indicates that appellant is involved in one more case bearing FIR No.60 of 2015 registered under Section 15 of the NDPS Act at Police Station Nawanshahar, in which his sentence has already undergone on 31.08.2016. Although the appellant has not placed on record any affidavit in terms of order dated 23.07.2024 but custody certificate indicates that sentence of the petitioner in another case, has already undergone on 31.08.2016.

6. 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.

7. 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.

(DEEPAK GUPTA)
JUDGE

March 27, 2025

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Whether Speaking/reasoned	Yes
Whether Reportable	No