



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

CRA-S No.2132 of 2025 (O&M)

Date of Decision: 14.07.2025

Sonu Kumar

..... Appellant

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Munish Puri, Advocate for the appellant.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present appeal has been filed by the appellant, namely, Sonu Kumar against the order dated 05.06.2025 passed by the learned Judge, Special Court, Pathankot vide which he was convicted in a case bearing FIR No.48, dated 01.04.2021, under Section 15 of NDPS Act, registered at Police Station Sujampur, District Pathankot and sentenced to undergo rigorous imprisonment for a period of 06 months and to pay a fine of Rs.5,000/- and in default of payment of fine to further undergo rigorous imprisonment for one months under Section 15(b) of NDPS Act.

2. As per the prosecution story, on 01.04.2021 a secret information was received to the effect that three persons who were involved in selling of poppy husk, coming in a tempo traveler bearing No. PB-01-A-7280, from the side of Jammu along with the contraband. In case barricading is laid, they could be apprehended. Thereafter, barricading was laid and on seeing the tempo traveller coming, the same was stopped, in which three persons were there. On asking, the driver of



vehicle disclosed his name as Sonu Kumar and other two persons disclosed their names as Charanjit @ Chann @ Kala and Saranjit Singh @ Gorkha. They were suspected to be carrying some contraband. On giving the offer, search was conducted. On conducting the search, three plastic bags of poppy husk were recovered, which in total was 35 kgs of poppy husk. They failed to produce any license regarding possession of the same and hence, the FIR was registered. All were arrested on spot and the investigation was completed. After the trial, the appellant was convicted and sentenced as stated above by the learned trial Court, hence this appeal has been filed by the appellant challenging his conviction and sentenced detailed above.

3. Learned counsel for the appellant has submitted that he does not want to challenge the conviction of appellant on merits but as far as sentence part is concerned, he prays that the same may be reduced to that of already undergone by the appellant. He has submitted that the present case pertains to the year 2021 and the appellant has already undergone the actual sentence of 02 months and 19 days out of the total awarded sentence of 06 months by the learned trial Court. He has further submitted that the appellant is first offender and has clear antecedents and as such a lenient view be taken and the sentence awarded be reduced to that of already undergone.

4. Custody certificate of the appellant dated 13.07.2025 has been filed by learned State counsel today in the Court and the same is



taken on record. Copy thereof has been supplied to learned counsel for the appellant.

5. Learned counsel for the State has opposed the contentions raised by learned counsel for the appellant. He has submitted that the present appeal is liable to be dismissed.

6. Heard.

7. Admittedly the present case pertains to year 2021 and the appellant was convicted and sentenced as stated above in the year 2025 and thus he has faced a protracted trial for about 04 years. There is nothing on record to show that during this period, the appellant has indulged in any unlawful activity. A perusal of the custody certificate produced by the learned State counsel shows that there is no other case pending or registered against the appellant.

8. Keeping in view all the abovesaid factors into consideration, the conviction awarded by the learned trial Court to the appellant is upheld and maintained as the same has not been challenged on merits. As far as the sentence part is concerned, this Court deems it appropriate to reduce the sentence from 06 months to the period already undergone by the appellant.

9. With the above said observations, the appeal stands disposed of.

(RAJESH BHARDWAJ)
JUDGE

14.07.2025

ps-I

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No