

2025:PHHC:043011



S. No. 327

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

CRA-S-1278-SB-2005 (O&M)

Date of Decision:28.03.2025

Pritam Singh

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

Mr. R.K.S. Brar, Addl. AG, Haryana

DEEPAK GUPTA, J. (Oral)

Appellant Pritam Singh was tried by Ld. Special Court, Kurukshetra in a case arising out of FIR No.103 dated 11.05.2003 under Section 15 of the NDPS Act registered at Police Station Pehowa, as he was found in possession of 2 Kg 500 grams of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 14.07.2005 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of two and half months and to pay fine of ₹2,000/- with default sentence of 15 days 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 two and half months and to pay fine of ₹2,000/- with default sentence of 15 days rigorous imprisonment in case of non-payment of fine for keeping in possession of 2 Kg 500 grams of poppy husk.

5. Learned State Counsel submits that appellant has already undergone sentence of 35 days and he is not involved in any other criminal case.

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.

March 28, 2025
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(DEEPAK GUPTA)
JUDGE

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