

Devinder Singh Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : May-13-2014

Appellant : Devinder Singh

Respondent : State of Punjab

Judgement :

CRM-2223-2014 in CRA-S-312-SB-2014 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM-2223-2014 in CRA-S-312-SB-2014 Date of Decision: May 13, 2014 Devinder Singh Appellant Versus State of Punjab Respondent CORAM: HONBLE MR. JUSTICE NARESH KUMAR SANGHI Present: Mr. K.P.S. Virk, Advocate, for the applicant-appellant. Mr. K.S. Pannu, DAG, Punjab, for the respondent. NARESH KUMAR SANGHI, J.

1. Prayer in this application is for suspension of sentence of the applicant-appellant, Devinder Singh, son of Surjan Singh, resident of Village Manakwal, District Ludhiana, who was held guilty for having committed the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act'), and ordered to undergo rigorous imprisonment for two years besides payment of fine of `5,000/- and in default thereof to undergo further rigorous imprisonment for two months.

2. Learned counsel contends that out of the substantive sentence of two years, the applicant-appellant has already suffered incarceration for more than six months; the applicant- appellant is neither involved nor required in any other case; and that

there are fairly arguable points in the appeal.

3. Learned counsel for the State has produced the custody certificate received by him through Fax from the Kapoor Prashant 2014.05.14 10:13 I attest to the accuracy of this order CRM-2223-2014 in CRA-S-312-SB-2014 2 Superintendent, Central Jail, Ludhiana, showing the period of incarceration suffered by the applicant-appellant, which is taken on record.

4. Heard.

5. Perusal of the custody certificate reveals that the applicant-appellant has suffered incarceration for six months and twenty-one days as on date. He is neither required nor involved in any other case. There are fairly arguable points in the appeal, which is not likely to be heard and decided in the near future.

6. In view of the totality of the facts and circumstances of the case, the present application is allowed. The execution of the remaining substantive sentence of the applicant-appellant, Devinder Singh, son of Surjan Singh, resident of Village Manakwal, District Ludhiana, is ordered to be suspended during pendency of the appeal, subject to his furnishing bail bond to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana. (NARESH KUMAR SANGHI) May 13, 2014 JUDGE P Kapoor Kapoor Prashant 2014.05.14 10:13 I attest to the accuracy of this order

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