

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Criminal Appeal No. 1092-SB of 2005**

Date of decision: 26<sup>th</sup> May, 2009

Kulwinder Singh @ Kinder

... Appellant

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA**

Present: None for the appellant.

Mr. Mehardeep Singh, Assistant Advocate General, Punjab  
for the State.

**KANWALJIT SINGH AHLUWALIA, J. (ORAL)**

The appellant Kulwinder Singh @ Kinder son of Neja Singh, aged 32 years was prosecuted in case FIR No. 119 dated 30.07.1998 registered at Police Station Sultanpur Lodhi under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985. He was found in possession of 11 kg of poppy husk. He was sentenced to undergo rigorous imprisonment for 1 ½ years and to pay fine of Rs.12,000/-, in default of payment of fine to further undergo rigorous imprisonment for two months.

Nobody had appeared on behalf of the appellant on May 21, 2009.

A perusal of the record revealed that sentence awarded upon the appellant was not suspended. Therefore, custody certificate was called from the jail authorities.

Kuldeep Singh Dhaliwal, PPS, Deputy Superintendent, Central Jail, Ludhiana has filed his affidavit. Same is taken on record. In his affidavit he has stated that appellant had undergone one year, seven months and eleven days. In his affidavit, he has further stated as under:

*“As per Register No.2 of this Jail, the above said convict was released on 13.12.06 after completion of actual sentence and detained in an another case vide FIR No. 27 dated 24.02.03, under Section 15 NDPS Act of Police Station Zira, he was convicted and sentenced in this case for a period of Ten Years imprisonment & to pay a fine of Rs. One Lac in default of payment of fine to further undergo RI For a period of One Year, decided on 17.03.06 by the Learned Court of Sh. B.S. Sandhu, Addl. Sessions Judge, Ferozepur and he was released on bail on 05.10.07 in this case vide order Dated 13.09.07 passed by the Hon'ble Punjab & Haryana High Court at Chandigarh in Criminal Misc. No.73411 of 2007 in Criminal Appeal No. 616 SB of 2006 and vide release order No. 1407 Dated 03.10.07 passed by the Learned Court of Chief Judicial Magistrate, Ferozepur.”*

Since the appellant has undergone the entire sentence, it explains as to why nobody is causing appearance on behalf of the appellant.

Present appeal is disposed off as not pressed, as the same is not being pursued by the counsel for the appellant. However, in case counsel for the appellant has any grievance, he may renew the prayer in present appeal by filing an application.

**[KANWALJIT SINGH AHLUWALIA]**  
**JUDGE**

**May 26, 2009**  
**rps**