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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 165 OF 2013  
(Arising out of SLP(Crl) No. 9180 of 2012)

RAMNIK SINGH

Appellant

VERSUS

INTELLIGENCE OFFICER,  
DIRECTORATE OF REVENUE INTELLIGENCE

Respondent(s)

O R D E R

1. Leave granted.

2. This criminal appeal is directed against the judgment and order passed by the High Court of Punjab & Haryana at Chandigarh in Criminal Misc./CRM No. 62269 of 2011 in Criminal Appeal/CRA No. S-261-SB of 2010. By the impugned judgment and order, the High Court has rejected the prayer of the Appellant for grant of bail.

3. The appellant was tried for an offence under Section 21 of the Narcotics Drugs and Psychotropic Substances Act, ("the NDPS Act" for short). The Trial Court, vide its order dated 23.01.2010 has passed the order of conviction and sentenced the appellant to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,00,000/- (Rupees one lakh only) and in default of payment of fine to further undergo rigorous imprisonment for one year.

4. Being aggrieved by the aforesaid order passed by the Trial Court, the Appellant has filed the appeal. The appeal is pending before the High Court for its consideration and decision. During the pendency of the appeal, the appellant has filed an application for suspension of sentence. The said application is rejected by the High Court by its impugned judgment and order.

5. The aforesaid order is called in question by the appellant before us in this appeal.

6. The appellant has produced the custody certificate issued by the Superintendent, Central Jail, Amritsar, dated 30.11.2012. A perusal of the said custody certificate would indicate that the appellant has already served the sentence of five years, four months and seven days as on the date of issuance of the certificate by the Competent Authority.

7. The learned counsel for the appellant, submits that since the appellant has already undergone more than half of the sentence passed by the Trial Court, the High Court ought to have considered the request made by the appellant for suspension of sentence.

8. Sh. P.P. Malhotra, learned ASG, would submit that since the matter is under the NDPS Act, the appellant is not entitled to the discretionary relief of this Court in granting bail to the appellant and in particular, in view of Section 37 of the NDPS Act.

9. We have carefully perused the order so passed by the High Court. We have also seen the custody certificate produced by the appellant. In our opinion, since the appeal is pending before the High Court and the possibility of the appeal is taken up for hearing in the near future is remote, the appellant is entitled for suspension of sentence during the pendency of the appeal before the High Court.



(NAVEEN KUMAR)  
COURT MASTER

(VINOD KULVI)  
COURT MASTER

(Signed order is placed on the file)