



CRA-S-1236-SB-2007 (O&amp;M)

1

571 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRA-S-1236-SB-2007 (O&M)  
Date of Decision: 20.05.2025

SATNARAIN ALIAS SATTU

...APPELLANT

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Harleen Kaur, Advocate as *Amicus Curiae*  
for the appellant.

Mr. Harkesh Kumar, AAG Haryana.

\*\*\*

**Harpreet Singh Brar, J. (Oral)**

1. Present appeal has been preferred by the appellant against the judgment of conviction and order on quantum of sentence dated 10.05.2007/11.05.2007 passed by learned Additional Sessions Judge-II, Bhiwani vide which the appellant has been convicted and sentenced as mentioned below:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
20 of NDPS Act	Rigorous imprisonment for five years	Rs. 10,000/-	Simple imprisonment for one year

2. Brief facts of the case are that on 20.12.2004, ASI Siri Bhagwan along with other police officials were present in the area of T-point of Hansi road, Sector 13, Bhiwani, in connection with patrolling duty. A man was seen coming on foot from the side of Sector-13, Bhiwani, who on seeing the police party turned back, at once and started walking briskly. Appellant was apprehended on the basis of suspicion and his name and address was verified. On the basis of suspicion personal search of the appellant was conducted and from the right pocket of his shirt, *Charas* was recovered. Out of the total quantity of *Charas*, two samples of 20 grams each were separated and remaining

**CRA-S-1236-SB-2007 (O&M)****2**

Charas on weighment was found to be 160 grams. All the parcels were sealed and FIR was registered under Sections 20-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as 'NDPS Act').

3. Learned *Amicus Curiae* for the appellant *inter alia* contends that entire case of the prosecution hinges upon the testimonies of official witnesses, who are interested in the success of their case and without any corroboration by any independent witness, it would not safe to convict the appellant on the basis of their testimonies. Further, there are material contradictions in the statements of PW-2 and PW-7 with regard to time and place of the arrest of the appellant. Further the representative sample was sent to the office of chemical examiner after a delay of 20 days, which is not explained by prosecution as such the possibility of tampering with the representative sample, cannot be ruled out. Further, there is non-compliance of Section 50 of NDPS Act and the benefit of the same is required to be given to the appellant. The appellant has undergone actual custody of 06 months and 22 days out of total sentence of 05 years awarded to him and he is not involved in any other case.

4. Per contra, learned State counsel opposes the prayer of the appellant on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, the appellant does not deserve any leniency.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the appellant was convicted for being in possession of 200 grams of Charas, attracting the offence under Section 20 of NDPS Act, for which no minimum punishment has been prescribed. Perusal of custody certificate of the appellant indicates that he is not involved in any other case and has already undergone custody of 06 months and



22 days out of total sentence of 05 years, in the instant case. Since there is no minimum punishment prescribed under Section 20 of NDPS Act, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by him.

6. In **Deo Narain Mandal v. State of UP (2004) 7 SCC 257**, a three Judge bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

7. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. State of AP AIR 2017 SC 1166**, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



**CRA-S-1236-SB-2007 (O&M)**

**4**

8. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 22.12.2004 and the appellant has been suffering the agony of trial for last more than 20 years. Since his conviction, the appellant has reformed into a law-abiding citizen and intends to live a peaceful life.

10. Therefore, in view of the discussion above, the present appeal is disposed of in the following terms:-

(i) The judgment dated 10.05.2007 passed by the learned Additional Sessions Judge-II, Bhiwani is upheld.

(ii) The order of sentence dated 11.05.2007 is modified to the extent that the sentence of rigorous imprisonment for 05 years along with fine of Rs. 10,000/- with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

12. High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**20.05.2025**

*Ajay Goswami*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*