



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

(206-2 cases)

CRA-S-1775-SB of 2010 (O&M)

Date of Decision: 30.07.2025

Monika

...Appellant

Versus

State of Punjab

...Respondent

CRA-S-1796-SB of 2010

Binni Sahota

...Appellant

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr.Sandeep Arora, Advocate
for the appellant (in CRA-S-1775-SB of 2010).

Mr. Rajiv Joshi, Advocate
for the appellant (in CRA-S-1796-SB of 2010).

Ms. Shiny Chopra, A.A.G. Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. The present appeals assail the judgment of conviction dated 14.07.2010 and order of sentence of even date, passed by the Special Court, Jalandhar, vide which both appellants were convicted and sentenced as under:-

Monika

Under Sections	Sentence
21 of NDPS Act	To undergo rigorous imprisonment for a period of one year along with fine of Rs.4000/-. In case of default in making payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Binni Sahota

Under Sections	Sentence
21 of NDPS Act	To undergo rigorous imprisonment for a period of six months along with fine of Rs.4000/-. In case of default in making payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

2. Brief facts of the case are that on 18.02.2008, ASI Bikram Singh, Police Station Division No. 8 along with SI Sukhdev Singh and other police personnel were touring the area and were going from Mohalla Qazi Mandi towards Ajit Nagar. When they reached near street no.6, Ajit Nagar, accused Binni Sahota appeared from the opposite side and on seeing the police personnel he took a sudden turn towards the street. After a chase, he was nabbed from a house. In the meantime, the said accused took out a polythene envelope from his pocket and tried to throw the same and attempted to climb the stairs of his house, but was prevented from doing so. In one of the bed rooms of the said house, one young girl was found to be sitting on a bed making small packets of smack out of an open envelope. With the help of Lady Head constable Surinder Kaur, the said girl was nabbed. Upon asking, they disclosed their names as Binni Sahota son of Veer Dass and Monika wife of Rajinder Kumar. On checking the polythene envelope carried by Binni Sahota, it was found that it contained 50 gms of smack, 5 gms of which were separated into a sample. All the 19 small packets recovered from Monika were put into the open bulk packet. Upon weighing, it came out to be 150 gms of smack. 5 gms of smack was also separated from it as sample and rest was taken into police possession after sealing the same. Both the accused were arrested. After completion of investigation, final report under 173 Cr.P.C., was prepared and submitted to the Court. Charges were framed against the accused-appellants, to which, they pleaded not guilty and claimed trial.

3. The trial Court convicted and sentenced the appellants in the manner referred to in the opening part of the judgment.

4. I have heard learned counsel for the parties.

5. At the outset, learned counsel representing the appellants submits that the appellants do not challenge the judgment of conviction on merits. They, however, submit, for, the appellants have undergone a protracted trial as FIR was registered against them in 2008, they were convicted vide judgment dated 12.07.2010 after which the instant appeals were filed before this Court, the sentence be modified to that already undergone by the appellants. He submits that they are sole bread winners of their family. Learned counsel submits that the appellants Monika and Binny Sahota have already undergone imprisonment of 03 months and 11 days and 03 months and 24 days imprisonment respectively and the fine stands deposited.

6. *Per contra*, learned State Counsel has opposed the prayer stating that the judgment of conviction and order of sentence deserve to be upheld. She submits that the appellants committed very serious offences for which they deserve to be sent into custody.

7. I have considered the submissions made by learned counsel for the parties.

8. Having examined the judgment on merits, I find the same to be well reasoned and do not therefore, find any reason to interfere with it.

9. As regards sentence, concededly, FIR No.33 dated 18.02.2008 was registered under Sections 21 of the NDPS Act at Police Station Division No. 8, Jalandhar. The appellants were put to trial in the year 2008 and were convicted and sentenced vide judgment dated 14.07.2010. Ever since then, their appeals have remained pending before this Court. The appellants have faced the agony of trial and pendency of their appeal etc. for the last 18 years. They have already undergone sentence of more than three months.

Therefore, no useful purpose would be served by sending them to custody at this stage. Even otherwise, they are stated to be the sole bread winners of their families.

10. Keeping in view the totality of the facts and circumstances, while maintaining the judgment of conviction, the order of sentence is modified to that already undergone by the appellants.

With the aforesaid modification, the present appeals are disposed of.

Pending application(s), if any, shall stand disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

July 30, 2025

Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No