



CRA-S-248-SB-2008 (O&amp;M)

1

810 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRA-S-248-SB-2008 (O&M)  
Date of Decision: 07.04.2025

SATYAMPURI

...APPELLANT

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Khushboo Jorce, Advocate as *Amicus Curiae*  
for the appellant.

Mr. Harkesh Kumar, AAG Haryana.

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**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 12.01.2008 passed by learned Additional Sessions Judge, Fatehabad 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 one year	Rs. 500/-	Rigorous imprisonment for one month

2. Brief facts of the case are that on 23.01.2006, ASI Randhir Singh along with other police officials were present near Gurudwara at Damkora road in Govt. Zypsi bearing registration No. HR-22C/2323, in connection with patrolling duty. In the meantime, a person was seen coming on foot from Tehsil Road side. On seeing the police party, he turned back and started walking, upon which Randhir Singh ASI became suspicious, who thereafter, with the help of other police officials, apprehended the said person, who disclosed his name as Satyampuri (appellant herein). On the basis of suspicion, personal search of the appellant-accused was conducted. Thereafter, on search of right pocket of the



shirt of the accused-appellant, Charas wrapped in a polythene sheet was recovered. Out of the total Charas, two samples each of 10 grams were separated and remaining on weighment was found to be 160 grams. All the parcels were sealed. FIR(*supra*) was registered under Section 20 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 although the alleged recovery was effected from a busy locality, but no independent witness was joined at the time of effecting the said recovery. There is complete non-compliance of Section 50 of NDPS Act and no Gazetted Officer or Magistrate was called at the spot at the time of search of the appellant and entire case of prosecution is based upon the testimonies of official witnesses only. Further there are shortcomings and discrepancies in the case set up by the prosecution and the appellant has undergone a period of 04 months and 26 days days of custody out of total sentence of 01 year awarded to him.

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. Moreover, the appellant is also involved in 04 more cases, as such, he does not deserve any leniency by this Court.

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 180 grams of Charas, attracting the offence under Section 20 of NDPS Act, for which no minimum punishment has been prescribed. Appellant has already undergone custody of 04 months and 26 days out of total sentence of 01 year, 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.

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



**CRA-S-248-SB-2008 (O&M)**

**4**

correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 23.01.2006 and the appellant has been suffering the agony of trial for last more than 19 years. Since his conviction, the appellant has reformed into a law-abiding citizen and intends to live a peaceful life.

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

(i) The judgment dated 12.01.2008 passed by the learned Additional Sessions Judge, Fatehabad is upheld.

(ii) The order of sentence dated 12.01.2008 is modified to the extent that the sentence of rigorous imprisonment for 01 year and fine of Rs. 500/- with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

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

11. High Court Legal Services Committee is directed to pay remuneration to the *Amicus Curiae*, as per rules.

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

**07.04.2025**

*Ajay Goswami*

*Whether speaking/reasoned*

*Whether reportable*

*Yes/No*

*Yes/No*