



CRA-S-1878-SB-2006

-1-

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

CRA-S-1878-SB-2006 (O & M)

Date of decision: 10.09.2025

ROHIT CHOHAN

....Appellant

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.K.Walia, Advocate,  
for the appellant.

Mr. Jasjit Singh, DAG, Punjab.

\*\*\*\*\*

**AMAN CHAUDHARY, J.**

1. The present appeal is directed against the judgment and order dated 13.09.2006 passed by the learned Judge, Special Court, Gurdaspur whereby the appellant has been convicted convicted under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the Act") and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default to undergo further simple imprisonment for six months.

2. The prosecution case, in brief, is that on 30.08.2003, when SI Som Dutt, ASI Raghbir alongwith other police officials were present in the waiting room at Railway Station, Pathankot, they saw a person carrying bag in his right hand and on suspicion, stopped him. After

CRA-S-1878-SB-2006

apprising his legal rights, his search was conducted and 150 grams of smack wrapped in a polythene bag was recovered from his bag. Samples were taken and sealed. Ruqa was sent for registration of FIR. After completion of investigation, the chargesheet was laid in the Court for trial.

3. The accused was charged under section 21 of the Act, to which he did not plead guilty and claimed trial. To bring home guilt against him, the prosecution examined four witnesses. When the accused was examined under Section 313 Cr.P.C., he denied all the incriminating circumstances appearing in the prosecution evidence against him.

4. After hearing the learned Additional Public Prosecutor for the State, the learned defence counsel and examining the evidence on record, the learned trial Court convicted and sentenced the accused as noticed at the outset.

5. Feeling aggrieved therewith, he has come up in appeal.

6. Learned counsel for the appellant does not want to press the conviction and prays for reducing the sentence of the appellant to the period already undergone i.e. 1 month and 23 days on the ground that small quantity of contraband is involved, the appellant being a first-time offender, a poor person, sole bread-earner and prolonged trial.

7. Per contra, learned State counsel submits that prosecution has successfully proved his case and thus, the trial Court has rightly convicted the appellant. He, however, was unable to deny that appellant, during pendency, committed no similar offence.

8. Heard and perused.

CRA-S-1878-SB-2006

9. A bare perusal of the record shows that the trial Court after appreciating the evidence on record and the statements of the prosecution witnesses has rightly convicted the appellant, which does not warrant any intervention and thus his conviction is affirmed.

10. With regard to the prayer for reducing the sentence to the period already undergone, reference may be made to the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, 4 months and 16 days, by considering that the occurrence took place in 1997 and he was not a habitual offender, rather a first-time convict.

11. Hon'ble the Supreme Court in **Satish vs. State of U.P.**, (2021) 14 SCC 580, had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

12. Likewise, the sentence of 3 years and 6 months, of the appellant in **Naresh Kumar vs. State of Haryana** in

CRA-S-1878-SB-2006

CRA-S-796-SB-2005, decided on 24.02.2023, convicted under Section 15 of the Act, was modified to the period undergone i.e. 8 months and 25 days already, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time.

13. Reverting to the present case, the appellant having suffered the vagaries of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds justification for leniency is inherent. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

14. Sequelly, the order dated 13.09.2006 is modified to the above extent.

10.09.2025  
parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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