



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

422

CRA-S-254-SB-2007 (O&amp;M)

Date of decision: 10.03.2025

Meena

....Appellant

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Ankit Joshi, Advocate (*Amicus Curiae*)  
for the appellant in CRA-S-254-SB-2007.

Mr. Harkesh Kumar, AAG, Haryana.

**HARPREET SINGH BRAR J. (Oral)**

1. The prayer in the present appeal is to set-aside the judgment of conviction dated 30.1.2007 and order of sentence dated 31.01.2007 passed by learned Judge, Special Court, Kurukshetra whereby the appellant was convicted and sentenced for the offence punishable under Section 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter 'the NDPS Act'), in the case stemming from FIR No.152 dated 25.04.2002, under Section 21 of the NDPS Act at Police Station Shahbad.

2. The appellant was sentenced as mentioned below:

Offence	Sentence
Section 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985	Rigorous imprisonment for a period of 04 months and to pay fine of Rs.2,500/- and in default of payment of fine, to further undergo rigorous imprisonment for 01 month.



3. Brief facts of the case are that on 25.04.2002, SI Avtar Singh along with other police officials was on patrolling duty and was present at T-Point of Rattangarh on GT Road, where a secret informer came on a scooter and informed him that Ram Karan @ Kala is indulged in the business of narcotics and further informed that about 20-25 days ago, he had supplied Poppy Husk to Ram Lal, owner of Suraj Dhaba for selling it further and even CID Crime Branch, Haryana, had also recovered Poppy Husk from Suraj Dhaba and since then Ram Lal was evading his arrest and in his absence, his wife Meena (appellant herein) had engaged her servant Jarnail Singh to sell the narcotics and if a raid is conducted, then they can be apprehended. Thereafter, the appellant along with co-accused was apprehended and 42 gms of Smack was recovered from the possession of Jarnail Singh in the presence of Deputy Superintendent of Police and two samples of 5 gms each were drawn from the same and then sent to the chemical examiner for its examination and subsequently, FIR (*supra*) was registered under Section 21 of the NDPS Act.

4. Learned *amicus curiae* submits that the learned Court below has fallen into grave error in convicting the appellant, as her guilt has not been proved beyond reasonable doubt. He contends that the link evidence is completely missing in the instant case and further there is no evidence to prove that the co-accused Jarnail Singh was working at the Dhaba of appellant's husband and the prosecution in the order to put pressure upon the husband of the appellant has falsely implicated the appellant. Further, the appellant was not having any knowledge that



Jarnail Singh was in possession of some narcotic and nothing has been recovered from the Hotel/Dhaba. Moreover, the fact that the appellant was in conscious possession of the contraband has not been proved on record. Further, there are major discrepancies in the statements of the witnesses who have been examined by the prosecution and the mandatory provisions of the NDPS Act have not been followed in the present case. Lastly, he submits that the appellant has already undergone a period of 10 days in custody and is not involved in any other criminal case.

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

6. 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 42 gms of Smack, i.e. non-commercial quantity, attracting the offence of Section 25 of the NDPS Act, for which no minimum punishment has been prescribed. As per custody certificate, she is not involved in any other case and has already undergone an actual sentence of 10 days out of total sentence of 04 months, in the instant case. Thus, 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 her.

7. In *Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257*, 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.

8. Further, the Hon'ble Supreme Court in ***Ravada Sasikala vs. 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.

9. A perusal of the judgment of conviction passed by the learned Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (supra) was registered on 25.04.2002 and the appellant has been suffering the agony of trial for the last about 23



years. Since her conviction, she has grown into a law-abiding citizen and desires 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 of conviction dated 30.01.2007 passed by the learned Judge, Special Court, Kurukshetra is upheld.

(ii) The order of sentence dated 31.01.2007 is modified to the extent that the sentence of rigorous imprisonment for a period of 04 months and fine of Rs.2,500/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by her.

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

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

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

**10.03.2025**

*yakub*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No