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

**CRA-S-1893-SB-2004 (O&M)
Date of decision: 22.07.2025**

Mohan Lal

... Appellant

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Raageshwari Sharma, Advocate for
Mr. S.S. Behl, Advocate
for the appellant.

Mr. Gagandeep Singh Chhina, Sr. DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present appeal has been preferred against the judgment of conviction dated 08.06.2004 and the order of sentence dated 10.06.2004 passed by learned Special Judge, Ambala, in FIR No.156 dated 24.06.2002 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Parao.

2. After considering all the material brought on record, learned trial Court, vide judgement of conviction dated 08.06.2004, convicted the appellant under Section 15 of NDPS Act for keeping in his conscious possession 24 kgs



of poppy straw without any licence or permit and vide order of sentence dated 10.06.2004, he was ordered to undergo rigorous imprisonment for a period of 05 years and to pay a fine of Rs.10,000/- along with default mechanism.

3. Learned counsel for the appellant contends that she is not assailing the impugned judgment of conviction dated 08.06.2004 on merits and restricts her prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the appellant, as he has already undergone total sentence of 02 years, 07 months and 04 days, out of rigorous imprisonment of five years and he is not involved in any other case.

4. *Per contra*, learned State counsel opposes the prayer made by the appellant, as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the appellant was convicted under Section 15 of NDPS Act, for which no minimum punishment has been prescribed. As per the custody certificate, the appellant has already undergone total sentence of 02 years, 07 months and 04 days and is not involved in any criminal activity. Since there is no minimum punishment prescribed under Section 15 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 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.

7. 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.

8. A perusal of the judgment of conviction passed by learned trial Court indicates no perversity in its findings and the same is based on correct



appreciation of evidence available on record. The FIR (*supra*) was lodged on 24.06.2002 and the appellant has been suffering the agony of trial for the last more than 23 years and desires to live a peaceful life.

9. As a result of above discussion, in view of the discussion above, present appeal is disposed of and the judgment of conviction dated 08.06.2004 passed by learned Special Judge, Ambala is upheld, however, the order of sentence dated 10.06.2004 is modified to the extent that the sentence of rigorous imprisonment of five years awarded to the appellant is reduced to the period of sentence already undergone by him.

10. The sentence of the appellant was suspended vide order dated 13.12.2004, as such, his bail/surety bonds be discharged.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

22.07.2025
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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No