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

**CRA-S-2143-2025 (O&M)  
Date of decision: 15.07.2025**

**Sukhwinder Singh @ Laddi**

**... Appellant**

**Vs.**

**State of Punjab**

**... Respondent**

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

Present: Mr. Shivender Pal Singh, Advocate for  
Mr. Brijeshwar Singh Bhalla, Advocate  
for the appellant.

Mr. Subhash Godara, Addl. A.G., Punjab.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. Present appeal has been preferred against the judgment of conviction and the order of sentence dated 02.07.2025 passed by learned Judge, Special Court, Moga, in FIR No.128 dated 09.12.2017 under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sadar Moga.
2. After considering all the material brought on record, learned trial Court, vide judgement of conviction dated 02.07.2025, convicted the appellant under Section 22(b) of NDPS Act for keeping in his conscious possession 14 strips of Alprafresh 0.5 (each strip containing 15 tablets), total 210 tablets



containing Alprazolam salt, without any legal permit or licence and vide order of sentence of even date, he was ordered to undergo rigorous imprisonment for a maximum period of one year and to pay a fine of Rs.5,000/- along with default mechanism.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 02.07.2025 on merits and restricts his 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 actual sentence of 02 months and 05 days, out of rigorous imprisonment of one year and he is not involved in any other case. It is further submitted that the appellant is ready to deposit the fine amount of Rs.5,000/- with learned trial Court within a period of four weeks from today.

4. *Per contra*, learned State counsel has produced the custody certificate dated 14.07.2025 of the appellant in the Court today, which is taken on record. He 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 22(b) of NDPS Act, for which no minimum punishment has been prescribed. As per his custody certificate, the appellant has already undergone actual sentence of 02 months and 05 days and is not involved in any criminal activity. Since there is no minimum punishment



prescribed under Section 22(b) 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 09.12.2017 and the appellant has been suffering the agony of trial for the last more than 07 years and desires to live a peaceful life.

9. Consequently, in view of the discussion above, present appeal is disposed of and the judgment of conviction dated 02.07.2025 passed by learned Judge, Special Court, Moga is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment of one year awarded to the appellant is reduced to the period of sentence already undergone by him.

10. The appellant is directed to deposit the fine amount of Rs.5,000/- with learned trial Court within a period of four weeks from today.

11. Since the appellant is in custody, he is directed to be released from the jail forthwith, if not required in any other case. However, this will be subject to presentation of receipt regarding deposit of fine amount.

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

15.07.2025

*vishnu*

[ **HARPREET SINGH BRAR** ]  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No