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

**CRA-S-1433-2025 (O&M)
Date of decision: 29.04.2025**

Rajesh Arora

... Appellant

Vs.

State of Haryana

... Respondent

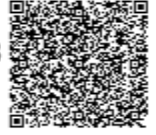
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sushil Sheoran, Advocate
for the appellant.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present appeal has been preferred against the judgment of conviction dated 18.03.2025 and the order of sentence dated 21.03.2025 passed by learned Additional Sessions Judge, Bhiwani, in FIR No.301 dated 27.05.2021 under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), Sections 336, 417, 420 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 15(2) & 15(3) of the Indian Medical Council Act, 1956 (for short 'IMC Act'), registered at Police Station Sadar Bhiwani.

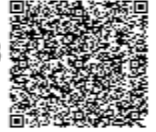


2. After considering all the material brought on record, learned trial Court, vide judgement of conviction dated 18.03.2025, convicted the appellant under Section 22(b) of NDPS Act and Section 15(2) of IMC Act and vide order of sentence dated 21.03.2025, he was ordered to undergo rigorous imprisonment for a maximum period of three years and to pay total fine of Rs.12,500/- along with default mechanism.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 18.03.2025 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 07 months and 17 days, out of rigorous imprisonment of three years, in the instant case. It is further contended that the appellant is involved in one more case under the provisions of NDPS Act, however, he is bailed out in that case on 24.04.2025.

4. *Per contra*, learned State counsel has produced the custody certificate dated 29.04.2025 of the appellant in the Court today, which is taken on record. She 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. Learned State counsel submits that the appellant is involved in one more case under NDPS Act and as such, he does not deserve any leniency.

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 and Section 15(2) of IMC Act, for which no minimum punishment has been prescribed. As per his custody certificate, the appellant has already undergone actual sentence of 07 months and 17 days, in the instant case. Since there is no minimum punishment prescribed under Section 22(b) of NDPS Act and Section 15(2) of IMC 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.

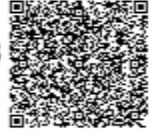
7. Further, the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has reiterated that the imposition of sentence also



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. Furthermore, the primary consideration in matters, where the accused is involved in other NDPS cases, ought to be the severity of the offence. Moreover, Co-ordinate Benches of this Court have deemed it appropriate to reduce the sentence imposed upon the accused to the custody period already undergone by him/her, in spite of involvement in other cases pertaining to the NDPS Act in *Pritam Singh @ Preeti Vs. State of Punjab, in CRA-S-1769-SB-2010*, decided on 03.04.2025, *Ram Lal Vs. State of Haryana, in CRA-S-986-SB-2005*, decided on 11.05.2018, *Rajpal Vs. State of Haryana, in CRA-S-68-SB-2005*, decided on 28.04.2023, *Raj Pal Vs. State of Haryana, in CRA-S-34-SB-2005*, decided on 28.04.2023 and *Gurmail Singh and others Vs. State of Punjab, in CRA-S-1976-SB-2007*, decided on 28.03.2025.

9. 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



27.05.2021 and the appellant has been suffering the agony of trial for last about 03 years and 11 months and desires to live a peaceful life.

10. Consequently, in view of the discussion above, present appeal is disposed of and the judgment of conviction dated 18.03.2025 passed by learned Additional Sessions Judge, Bhiwani is upheld, however, the order of sentence dated 21.03.2025 is modified to the extent that the sentence of rigorous imprisonment for a maximum period of three years and fine of Rs.12,500/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

11. Since the appellant is in custody, he is directed to be released from the jail forthwith, if not required in any other case.

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

29.04.2025
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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No