



CRA-S-1693-SB-2011

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

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**CRA-S-1693-SB-2011
Date of Decision: 11.07.2025**

Bhagwant Singh

....Appellant

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Avichal Sharma, Advocate, for
Mr. Shubham Pathania, Advocate,
Legal Aid Counsel.

Mr. Aditya Pal Singla, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

1. The present appeal has been filed against the impugned judgment of conviction and order on quantum of sentence dated 26.04.2011 passed by learned Additional Sessions Judge, Karnal, whereby appellant has been convicted under Section 15(b) of the NDPS Act, 1985 for keeping in his conscious possession of 2 Kgs 500 grams of Poppy Straw and sentenced to undergo rigorous imprisonment for a period of 1 year with the fine of Rs.5,000/- and in default of the payment of fine, he was ordered to further undergo RI for 1 month.

2. The case of the prosecution is that on 28.08.2008, on suspicion, the appellant was apprehended by the police. On search of the bag, he was found in possession of 2 Kg 500 grams of poppy straw. Appellant was found guilty for keeping in possession of 2 Kgs. 500 grams of poppy straw and was convicted on 26.04.2011 and sentenced to undergo RI for 1 year



and fine of Rs. 5,000/- vide order on quantum of sentence dated 28.04.2011.

Aggrieved against the same, the appellant has filed the present appeal.

3. Learned counsel for the appellant contends that the appellant is not assailing the impugned judgment of conviction and quantum of sentence dated 26.04.2011 and 28.04.2011 respectively, passed by the learned trial Court on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellant, as he has already undergone for a period of 04 months and 02 days (as reflected in the custody certificate). He further prays that since the FIR in question pertains to the year 2008, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the appellant as mentioned hereinabove and submits that the learned Court below has passed well-reasoned judgments based on correct appreciation of evidence available on record. He has filed the custody certificate of the appellant in which he has undergone for the period of 04 months and 02 days.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The appellant has been convicted for keeping in possession of 2 Kgs. 500 grams of poppy straw. Moreover, the FIR in the present case pertains to the year 2008 and the appellant has already faced the rigors of the trial for more than 17 years.



7. Hon'ble the Supreme Court in **“Deo Narain Mandal Vs. State of UP”, (2004) 7 SCC 257**, has held 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, the 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, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166**, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realize 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 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 trial Court indicates no perversity in its findings and the same is based on



correct appreciation of evidence available on record. However, learned counsel for the appellant has not assailed the judgment of conviction on merits, rather restricted his prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellant.

10. Since there is no minimum punishment prescribed under Section 15 of the NDPS Act, 1985 and keeping in view the fact the FIR pertains to the year 2008 and the appellant has faced the rigors of trial for a period of more than 17 years, therefore, while taking a lenient view, 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.

11. In view of above, the revision petition is disposed of by upholding the judgment of conviction dated 26.04.2011 passed by the learned Appellate Court; however, the order of sentence dated 28.04.2011 is modified to the extent that the sentence of rigorous imprisonment for a period of 1 years imposed upon the appellant is reduced to the period of sentence as already undergone by him. However, the fine is increased from Rs.5,000/- to 10,000/- over and above to be paid to the complainant. In case, the complainant is not found, the amount be deposited with the trial Court.

11.07.2025

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(H.S. GREWAL)
JUDGE

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No