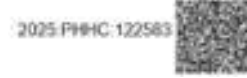


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-338-SB-2006 (O&M)
Date of decision: 08.09.2025

Rajesh Kumar @ Rinku @ Pardeep

....Applicant/Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Jasjit Singh, DAG, Punjab

AMAN CHAUDHARY. J.

1. Challenge in the present appeal is to the judgment/order dated 12.01.2006, passed by the learned Special Judge, Ambala, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for 3 years alongwith fine of Rs.10,000/- and in default of payment of the same, to further undergo simple imprisonment for three months, for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Succinct facts at first. On 17.03.2002, when ASI Bishan Singh, along with other police officials, was patrolling near the cycle stand gate at the Bus Stand, Ambala, a person came from inside the bus stand and, upon seeing them, started moving quickly. On suspicion, they apprehended him with a plastic bag. After apprising him of his rights, a search was conducted and a recovery of 24 kg of poppy straw (Chura Post) was effected. The requisite samples were drawn,

sealed, and forwarded to the FSL. A *ruqa* was sent, on the basis of which the FIR in question was registered.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused. On finding a prima facie case, charge under Section 15 of the Act was framed against him, to which he pleaded not guilty and claimed trial.

4. The prosecution, in order to prove its case, examined 7 witnesses. Thereafter, the statement of the accused was recorded under Section 313 Cr.P.C., whereby incriminating evidence was put to him, which he denied. He pleaded innocence and false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellant as noticed above.

6. Aggrieved appellant is before this Court.

7. Learned counsel for the appellant while giving up the challenge to his conviction, prays for reduction of the sentence to already undergone, it being 3 months 9 days, on the ground that he belongs to the poor strata of society; sole bread winner of the family; mother suffering from cancer and has been facing the agony of protracted trial for the last 23 years, without misusing the concession of bail granted to him.

8. On the other hand, learned State counsel submits that the trial Court after evaluating the evidence has rightly convicted the appellant and the sentence awarded to him cannot be said to be excessive, therefore, he prays for the dismissal of the present appeal. He, however, affirms that appellant did not commit any offence during pendency of this case.

9. Heard the learned counsel on either side and perused the record with their able assistance.

10. Evidently, PW4-ASI Bishan Singh and PW7-ASP/AEC Vikas Arora had deposed that the accused-appellant was apprehended and found to be in conscious possession of the alleged contraband, which fact was corroborated by PW6-ASI Balwant Singh. As per FSL report Ex.P14, the contents of contraband were found to be 'Poppy straw'. The prosecution case was fully supported by the witnesses and the documentary evidence and thus, there is no scope for interference in the findings recorded by it regarding conviction and as such, the same is upheld.

11. Insofar as the prayer for reducing the sentence to the period already undergone is concerned, it would be worthwhile to make a reference to the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme Court reduced the sentence from five years to the period already undergone i.e. 2 years, 4 months and 16 days, by considering that the occurrence took place in 1997 and he was not a habitual offender, rather a first-time convict.

12. Furthermore, in **Naresh Kumar vs. State of Haryana** in CRA-S-796-SB-2005, decided on 24.02.2023, the sentence of the appellant i.e. 3 years and 6 months, convicted under Section 15 of the Act, was modified to the period undergone i.e. 8 months and 25 days already, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time.

13. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme

Court had observed that, “Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]”.

14. Reverting back to the present case, humanistically viewing, the appellant having suffered the ignominy of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds extenuation to be implicit. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

15. The order of sentence dated 12.01.2006 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

**(AMAN CHAUDHARY)
JUDGE**

08.09.2025

Vishal Vardhan

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No