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

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CRA-S-778-SB-2006 (O&M)
Date of decision: 12.09.2025

Gurmeet Singh

....Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurvinder Singh, Advocate for
Mr. H.S. Rakhra, Advocate for the appellant.

Mr. Jasjit Singh, DAG Punjab

AMAN CHAUDHARY. J.

1. Challenge in the present appeal is to the judgment/order dated 19.04.2006, passed by the learned Judge, Special Court, Sangrur, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for three months alongwith fine of Rs.5000/- and in default of payment of the same, to further undergo simple imprisonment for one year, for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Tersely, the facts reveal that on 07.02.2003, when ASI Maghar Singh Singh alongwith other police officials were going towards the pattri of canal minor near the Fish farm in connection with patrolling duty, a person was seen to be sitting on a gunny bag and on suspicion, he was apprehended. After apprising of his rights, search was conducted and recovery of 34 Kg 500 grams of poppy husk was effected. The requisite samples were drawn and sealed. Ruqa was sent, on the basis of which, an FIR was registered.



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3. The final report under Section 173 Cr.P.C. was placed before the Court, pursuant to the completion of investigation. Observing that a prima facie case existed, charge under Section 15 of the Act was framed. The accused denied the charge and faced trial.

4. To substantiate its case, the prosecution examined 5 witnesses. Subsequently, the accused was examined under Section 313 Cr.P.C., wherein the incriminating circumstances were put to him. He denied the same, asserting innocence and alleged 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. The appellant, feeling dissatisfied, has invoked the jurisdiction of this Court.

7. At the threshold, learned counsel for the appellant gives up the plea against conviction and restricts the submission for reducing of sentence to the period already undergone, being 1 year, 1 month and 9 days on the grounds of poverty, he being the sole earning member, recovery being non-commercial and he stands acquitted in another case registered against him.

8. Resisting the appeal, 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 the non-involvement of the appellant in any other criminal case and the period undergone by him.

9. Heard submissions and perused the material on record.

10. As to the submission seeking reduction of sentence to the period already undergone, reliance can be placed upon the judgment in **S.K. Sakkar @**



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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 of five years to 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.

11. The sentence of the appellant in **Naresh Kumar vs. State of Haryana** in CRA-S-796-SB-2005, decided on 24.02.2023, convicted under Section 15 of the Act, was modified to the period undergone i.e. from 3 years and 6 months to 8 months and 25 days already undergone, 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.

12. 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]".

13. 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



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period already undergone, however, keeping the fine intact.

14. The order of sentence dated 19.04.2006 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

**(AMAN CHAUDHARY)
JUDGE**

12.09.2025

M.Kamra

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