



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-S No.10-SB of 2008
Reserved on: 01.09.2026
Pronounced on: 02.09.2026
Uploaded on: 02.09.2026

Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment

Kaka Singh
...Appellant

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Ms. Muskan Sharma, *Amicus Curiae*
for the appellant.

Ms. Sheenu Sura, DAG, Haryana.

MANDEEP PANNU, J.

1. Present appeal has been preferred against the judgment of conviction dated 2nd November, 2007 and order of sentence dated 6th November, 2007 passed by learned Sessions Judge, Sirsa, in case FIR No.159 dated 5th November, 2003, registered under Section 15 of the NDPS Act at Police Station Rori, by which the appellant has been convicted for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, for keeping in his possession 14 kg Chura Post (Poppy Straw), without any permit or licence. He was sentenced as under:-



Under Section	Imprisonment awarded	Fine	Imprisonment in default of payment of fine
Section 15 of the NDPS Act	R.I. for 01 year	Rs.10,000/-	Imprisonment for 03 months

The period of his detention during investigation and trial was ordered to be set off from the period of sentence awarded to him.

2. Feeling aggrieved by the above-said judgment of conviction and order of sentence, the present appeal has been filed by the appellant.

3. During the course of arguments, learned counsel for the appellant submitted at the very outset that he does not press the appeal against the judgment of conviction and confines his prayer only against the order of sentence. It was submitted that the appellant would be satisfied in case he is sentenced to imprisonment for the period already undergone by him. He further argued that the offence pertains to the year 2003 and the age of the appellant at that time was 35 years. He has already undergone a total sentence of 03 months and 22 days. Thus, he deserves to be sentenced to the period already undergone by him.

4. Learned State counsel, on the other hand, opposed the prayer for reduction of sentence and submitted that the appellant is involved in three other cases. However, it is not disputed that all the three cases are presently pending and are not cases involving commercial quantity of any narcotic substance. Learned State counsel has also placed on record the custody certificate, according to which the appellant has undergone a total period of 03 months and 22 days in the present case.

5. This Court has considered the aforesaid rival submissions and



has gone through the record as well as the custody certificate carefully.

6. Although learned counsel for the appellant has not assailed the judgment of conviction, even otherwise, this Court has carefully gone through the judgment of learned trial Court and the material available on record. The findings recorded by learned trial Court are based on proper appreciation of the evidence and the same do not suffer from any illegality, infirmity or perversity. Learned trial Court has rightly appreciated the evidence on record and has rightly convicted the appellant for the offence punishable under Section 15 of the NDPS Act. Accordingly, the judgment of conviction calls for no interference by this Court.

7. So far as quantum of sentence is concerned, as per the custody certificate, the appellant has already undergone a period of 03 months and 22 days in the present case. The occurrence in the present case pertains to the year 2003. The appellant was 35 years of age at the time of occurrence and is presently about 58 years of age. The present appeal was filed in the year 2008 and has remained pending before this Court for about 18 years. Thus, apart from the period undergone by him in custody, the appellant has faced prolonged litigation for a considerable period of time.

8. As regards his antecedents, the custody certificate reflects that three other cases are presently pending against the appellant. The first is FIR No.151 dated 27.09.2003, registered at Police Station Rori, Sirsa, under Sections 332, 353, 186, 114, 506 and 140 IPC. The appellant is stated to be on bail in the said case and there is no custody to his credit therein. The second is FIR No.20 of 2019, registered at Police Station Rori, Sirsa, under Sections 323, 34, 452 and 506 IPC. In the said case also, the



appellant is in custody as an under-trial for a limited period, i.e from 27.11.2025 to 31.08.2026. The third is FIR No.78 of 2025 dated 28.05.2025, registered at Police Station Rori, Sirsa, under Sections 115(2), 191(2), 191(3), 190, 126(2), 333, 118(1), 118(2), 109 and 351(3) of the Bharatiya Nyaya Sanhita, 2023. In that case also, the appellant is an under-trial and has remained in custody from 04.08.2025 to 31.08.2026.

9. Thus, the pendency of the aforesaid three cases, though a relevant circumstance to be kept in mind, by itself, cannot be treated as proof of guilt, particularly when the appellant has not been convicted in any of those cases. It is also significant that none of the aforesaid three cases relates to commercial quantity of any narcotic substance.

10. The custody certificate further reveals that the appellant has suffered convictions in two other cases under the NDPS Act. One is FIR No.6 of 2014 dated 17.01.2014, registered at Police Station Rori, Sirsa, under Sections 15/16/61/85 of the NDPS Act, and the other is FIR No.8 of 2019, registered under Section 22 of the NDPS Act at Police Station Jaurkian, Mansa. The said cases also relate to non-commercial quantity. In addition, the appellant has been acquitted in FIR No.96 of 2019, registered under Section 22 read with Section 29 of the NDPS Act at Police Station Jaurkian, Mansa. Thus, the record does not show that the appellant has been convicted for an offence involving commercial quantity.

11. While considering the question of sentence, this Court cannot lose sight of the fact that the occurrence in the present case took place way back in the year 2003. The appellant was then 35 years of age and is now about 58 years of age. He has already undergone 03 months and 22 days of



imprisonment. The appeal itself has remained pending since the year 2008. Consequently, the appellant has faced the ordeal of criminal proceedings for a period of more than two decades from the date of occurrence and for about 18 years during the pendency of the present appeal. The long passage of time is, therefore, a relevant circumstance while considering the quantum of sentence.

12. This Court, in *Pritam Singh @ Preeti vs. State of Punjab, CRA-S-1769-SB of 2010, decided on 03.04.2025*, in somewhat similar circumstances, was dealing with a conviction under Section 15 of the NDPS Act for possession of 12 kg of poppy husk. In that case, the appellant was 40 years of age at the time of occurrence, had undergone imprisonment for 03 months and 15 days, and was also involved in two other cases, though he had been granted bail therein. Taking into consideration the age of the appellant, the period already undergone, and the fact that the occurrence was considerably old, this Court found it just and appropriate to reduce the sentence to the period already undergone, observing that it would be in the interest of justice not to send the appellant behind bars after such a long lapse of time in the company of hardened criminals. The fine imposed therein was, however, maintained.

13. The aforesaid principle, in my considered view, is applicable to the facts of the present case. The circumstances in the present case are also deserving of a lenient view. The appellant has already undergone 03 months and 22 days of incarceration. He was only 35 years of age at the time of occurrence and is now about 58 years of age. The occurrence is more than 22 years old and the present appeal has remained pending for



about 18 years. The three other cases relied upon by the State are still pending and, therefore, the appellant cannot be treated as convicted therein. His two other convictions under the NDPS Act are also stated to be in respect of non-commercial quantity, whereas in one other NDPS case, he has been acquitted.

14. Keeping in view the totality of the facts and circumstances, including the age of the appellant, the period already undergone by him, the enormous passage of time since the occurrence, the prolonged pendency of the present appeal, and the nature of the other cases reflected in the custody certificate, this Court is of the considered view that the ends of justice would be adequately met if the substantive sentence of imprisonment imposed upon the appellant is reduced to the period already undergone by him.

15. Consequently, while maintaining the judgment of conviction, the order of sentence passed by learned trial Court is modified. The appellant is sentenced to imprisonment for the period already undergone by him. The sentence of fine imposed by learned trial Court shall remain unaltered, including the default sentence.

16. The appeal is accordingly partly allowed.

17. All pending applications, if any, also stand disposed of.

02.09.2026

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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No