



123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1814-SB-2005(O&M)

Date of Decision: 21.07.2026

Balwinder Singh

...Appellant

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rakesh Kumar, Advocate
for the appellant.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal against the impugned judgment of conviction and order of sentence dated 06.10.2005 passed by the Special Court, Jalandhar, whereby the appellant was convicted for the commission of offence punishable under Section 15 of NDPS Act and was sentenced to undergo rigorous imprisonment for a period of 05 months and to pay a fine of Rs.2,000/-. In default of payment of fine, he further undergo rigorous imprisonment for one month.

2. The brief facts of the present case are that on 19.09.2003, Surjit Singh ASI alongwith the other police officials was on patrol duty from Uggi to village Aadhi and when they reached on the drain bridge, Aadhi, appellant was seen coming from the side of Khiva on Kucha path of the canal, who was carrying a bag on his head. On seeing the police party, the appellant tried to retreat and on suspicion, he was apprehended. Surjit Singh, ASI told him that he suspected some contraband article in his possession and if he wanted the search



in the presence of a Gazetted Officer or a Magistrate, but the appellant stated that he desired the search from Surjit Singh, ASI and his consent memo was recorded. Surjit Singh, ASI then conducted the search of the bag recovered from the appellant and it was found containing poppy husk, out of it, two samples of contraband of 250 gms each were taken out and were made into parcels. Remaining poppy husk on weighment was found to be 19 Kgs. 500 gms. It was also made into a parcel. Both the samples and case property were sealed with seal 'SS' and were taken into possession vide recovery memo. Ruqa was sent to the police station on the basis of which FIR was recorded. Rough site plan was prepared. Statements of the PWs were recorded and on completion of investigation and on receipt of the report of the chemical examiner, the appellant was challaned.

3. After presentation of the challan, the appellant was charge-sheeted for the commission of offence punishable under Section 15 of NDPS Act, to which, the appellant pleaded not guilty and claimed trial.

4. In order to substantiate its case, the prosecution examined Gurbal Singh, HC PW1, Joginder Singh, Constable PW2, Mandip Singh, Inspector PW3, Mohan Lal, HC, PW4, Amrik Singh, HC, PW5 and Surjit Singh, ASI, PW5.

5. After closure of the prosecution evidence, the appellant was examined u/s 313 Cr.P.C., wherein he denied the prosecution allegations and pleaded innocence. However, no defence evidence was adduced by the appellant.

6. During the course of arguments, learned counsel for the appellant submits that he does not wish to challenge the judgment of conviction passed



against the appellant by Sessions Court, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the appellant has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the appellant does not deserve any concession regarding sentence and the present appeal be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, Gural Singh, HC was examined as PW-1, whereas, Joginder Singh, Constable, was examined as PW-2 and their testimonies were formal in nature. PW-5, Amrik Singh had proved the recovery from the present appellant. Similarly, ASI Surjit Singh, the Investigating Officer of the present case had proved the investigation. Mandip Singh, Inspector, PW-3 also remained associated with the investigation. From the evidence led by the prosecution, the prosecution has been able to prove the charge under Section 15 of NDPS Act against the present appellant.

10. Now, adverting to the order of sentence, this Court is conscious of the fact that the appellant is facing the agony of trial/appeal/revision since 19.09.2003 i.e. for the last more than 23 years. Even from his custody certificate, it is apparent that he had already undergone 01 month and 19 days of actual custody, out of total sentence of five months and was never involved in any other crime. Even the sentence imposed on the appellant was suspended by this Court on 08.11.2005 and in the last about 21 years, he has maintained good conduct. This Court is of the considered opinion that a lenient view can be



taken while imposing sentence on the appellant. Thus, the sentence imposed on the appellant is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

11. With the above modifications, the present appeal is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.

12. Pending application(s), if any, stand(s), disposed of, accordingly.

13. Case property, if any, be dealt with, as per rules.

14. The Trial Court record be sent back, if any.

(N.S.SHEKHAWAT)
JUDGE

21.07.2026
hemlata

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