

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

**CRA-S-3340-SB-2014 (O&M)
Date of decision : 01.12.2022**

Ravinder Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Saneta, Advocate
for the appellant.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Challenge laid in this appeal is to the judgment of conviction dated 15.07.2014 and order of sentence of the even date, passed by the trial Court, whereby the appellant was convicted for offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and was sentenced to undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs. 30,000/- with default clause.

Brief facts of the case are that on 24.08.2011, a police party headed by ASI Dilbagh Singh was on a patrol duty and at about 02:15 PM, when they were in village Mankheri, a person was seen coming on a rickshaw *rehri* loaded with bags wrapped with polythene sheet and on seeing the police party, he stopped the rickshaw and tried to run towards, however, was apprehended by the police. On enquiry, the said person disclosed his name as 'Ravinder Singh @ Bindri' i.e. the present appellant. The accused was apprised of his right to be searched either before a Gazetted Officer or before a Magistrate, to which, he reposed faith in the Investigating Officer ASI Dilbagh Singh. Thereafter, the search of the rickshaw was conducted and to plastic bags containing poppy husk

were recovered. Two samples of 250 gms. each from each bag were separately taken and on weighing the remaining poppy husk, it came to be 19 kgs. 500 gms. and 14 kgs. 500 gms. Remaining case property was put into the same bags and sealed with the seal 'DS'. Thereafter, *ruqa* was sent to police station for registration of the FIR. The accused was arrested and on completion of the investigation, the *Challan* was presented against the accused in the Court.

On presentation of *Challan*, finding a *prima facie* case, the trial Court framed the charges under Section 15 of the NDPS Act against the accused, to which he pleaded not guilty and claimed trial.

In trial, the prosecution as well as the accused led their respective evidence and after hearing both the parties and appreciating the evidence and material brought on record, the trial Court convicted and sentenced the appellant/accused as noticed above. Hence, the present appeal.

It is worth noticing that during the pendency of the present appeal, the sentence of the appellant was suspended by this Court on 29.05.2015 considering the fact that he has already undergone substantive portion of his sentence.

At the very outset, learned counsel for the appellant-accused has submitted that he does not contest the findings of the trial Court recorded on merits of the case and he would feel satisfied in case the sentence of the appellant is reduced to the one already undergone by him.

Learned counsel for the appellant-accused further submitted that the appellant is of young age; it is his first offence and he has already faced the agony and trauma of protracted trial for a period of more than 10 years. It is further submitted that the appellant has already undergone a period of 11 months and 23 days out of total sentence of 03 years and he has never misused the concession of suspension of his sentence, which shows that he has improved his conduct and has reformed himself. It is further submitted that keeping in view the above facts, no

useful purpose would be served by sending the appellant in custody furthermore as he has his own family to support.

Learned counsel for the State has filed the custody certificate and has opposed the reduction of sentence of the appellant-accused. A perusal of the custody certificate shows that he is not involved in any other case.

After hearing learned counsel for the parties and considering the arguments advanced by learned counsel for the appellant, this Court is of the view that it is a fit case wherein the sentence awarded to the appellant can be reduced to the period already undergone by him. Our criminal justice system is to reform the offenders and to make them see and follow the right path. Appellant-accused is a young person and he has to look after his family. The appellant has faced the agony of protracted trial for a period of more than 10 years and during the said period, he was never involved in any other case, which shows a remarkable improvement in his conduct. He has already undergone a sufficient period of sentence. As such, it would be just if his sentence is reduced to the period already undergone by him.

Accordingly, while upholding the impugned judgment of conviction dated 15.07.2014, the present appeal is ***partly allowed*** and the sentence awarded to the appellant is reduced to the period already undergone by him. The imposition of fine of Rs.30,000/- is also upheld.

The appellant is directed to deposit the aforesaid fine within a period of 04 months from today, failing which this appeal shall be deemed to be dismissed.

Bail/surety bonds of the appellant be discharged, accordingly.

01.12.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*