



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1279

CRA-S-1346-SB-2009 (O&M)
Date of decision: 13.05.2025

Union Territory, Chandigarh

....Appellant

Versus

Harpal Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manish Bansal, PP, UT, Chandigarh
for the appellant.

Mr. Rajeev Kumar Kapila, Advocate
for the respondent.

HARPREET SINGH BRAR J. (Oral)

1.

Prayer in the instant appeal is for enhancement of sentence, imposed upon the respondent/accused vide judgment of conviction and order of sentence dated 11.02.2009 passed by learned Judge, Special Court, Chandigarh.
2.

The respondent/accused was convicted for keeping in possession 10 Kgs of Poppy Husk, vide judgment of conviction dated 11.02.2009 passed by learned Judge, Special Court, Chandigarh and he was sentenced as follows:

Offence	Sentence
Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985	Rigorous imprisonment for a period of 01 month and 07 days and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 07 days.

3.

Learned State counsel contends that the learned trial Court has erred in awarding an inadequate sentence of only 01 month and 07



days with a fine of Rs.1,000/-, despite the alleged recovery of 10 kgs of Poppy Husk from the respondent has been proved. Although the quantity was below the commercial threshold, however, it was significantly above the small quantity limit, and such leniency undermines the deterrent object of the NDPS Act.

4. *Per contra*, learned counsel for the respondent/accused has opposed the prayer of the State for enhancement of sentence on the ground that the learned trial Court has passed a well-reasoned and balanced judgment after correctly appreciating the evidence on record. He contends that the recovery effected from the respondent/accused was of a quantity less than commercial and there are no aggravating circumstances warranting a harsher sentence. Hence, the sentence awarded is neither perverse nor illegal, and the respondent-accused does not deserve any further punishment beyond what has already been undergone by him.

5. Having heard the learned counsel for the parties and after perusing the record of the case, this Court is of the considered opinion that the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR in the present case was lodged on 13.01.2006 and the respondent has been suffering the agony of trial since the last more than 19 years and the respondent/accused does not have any criminal antecedents.



6. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society.

7. In ***Deo Narain Mandal Vs. State of UP, (2004) 7 SCC 257***, a three-Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner, in which the offence is committed, age of the accused, should be considered, while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has reiterated that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such



discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. In view of the discussion above, this Court does not find any reason to interfere with the order of sentence dated 11.02.2009 passed by learned Judge, Special Court, Chandigarh.

10. Consequently, the present appeal is dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

13.05.2025
yakub

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