



CRA-S-1117-SB-2011 (O&M) -1-

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

**CRA-S-1117-SB-2011 (O&M)
DATE OF DECISION: 21.08.2025**

MEHAR SINGH @ LADDI

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Mayank Aggarwal, Advocate for
Mr. G.S. Sandhu, Advocate
for the appellant.

Mr. Tapan Masta, Addl. A.G., Haryana.

H.S. GREWAL J. (Oral)

Feeling aggrieved by the judgment and order dated 14.02.2011 passed by learned Judge, Special Court, Karnal in FIR No.250 dated 02.10.2007 under Section 18 of Narcotic Drugs and Psychotropic Substance Act, 1985 registered at Police Station Nissing, District Karnal whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment for a period of 01 year and 08 months alongwith fine of Rs.10,000/- under Section 18(c) and further in default of payment of fine, to undergo rigorous imprisonment for a period of four months.

2. The appellant has come up before this Court by way of filing of the present appeal.

3. The case of the prosecution is that on 2.10.2007, when a police party while on patrol and crime checking was going from Nissing to Dachar and



reached near Power House katcha path, a youth was seen coming carrying a polythene in his hand. On seeing the police party, he turned back and started walking briskly. On suspicion, he was apprehended. On inquiry, he disclosed his name to be Mehar Singh alias Laddi s/o Ajit Singh. On suspicion of contraband, notice under Section 50 of the Act Ex. P1 was issued to him and in response thereto, he reposed his faith in police. On search, opium was recovered from the polythene. Weighing material was arranged. Two samples of 10 grams each were separated. Remaining contraband was found to be 280 grams. The sample parcels and remainder were put in small plastic boxes were sealed and taken into police possession vide recovery memo Ex.P3. Thereafter, formal FIR Ex. P5 was registered. On completion of necessary formalities, challan was presented in the Court for trial.

4. Thereafter, upon conclusion of the trial, the appellant/accused was held guilty and sentenced vide impugned judgment dated 14.02.2011 passed by learned Judge, Special Court, Karnal as enumerated above.

5. Learned counsel for the appellant also submits that the appellant has been suffering the agony of trial since 02.10.2007 as the appeal is also an extension of trial. He is not involved in any other criminal case since his release on interim bail by this Court vide order dated 24.05.2011 during the pendency of present appeal and it would be just and expedient to reduce the sentence awarded to the appellant by the learned Judge, Special Court, Karnal to the period as already undergone, as the appellant is a law-abiding citizen and has reformed himself after his conviction. Learned counsel for the appellant states that without referring to the merits of the case, he prays for reduction of sentence while taking a lenient view on the ground that the appellant is not involved in any other case and has not indulged in any such activity, even after his conviction.



6. At this stage, counsel for the appellant submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua modification of the order of sentence to the period already undergone.

7. On the other hand, learned State counsel opposes the prayer of the appellant(s) by way of filing of custody certificate dated 19.08.2025 on the ground that the trial Court concerned has passed a well-reasoned judgment after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it. He further submits that the appellant is not involved in any other case.

8. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held 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.

9. Further, a two-Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP*, AIR 2017 SC 1166, has held 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.

10. A perusal of the judgment of conviction passed by learned Judge, Special Court, Karnal indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the appellant has not assailed the judgment of conviction on merits, rather restricted the prayer only *qua* modification of quantum of sentence to that of the period already undergone by the appellant.

11. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2007. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellant has already suffered the agony of protracted trial, spanning over a period of more than 18 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for 01 month and 12 days. He is living peacefully for almost two decades as no report contrary to that has been received. In view of the facts noted above, the case of the appellant deserves to be dealt with leniency. The appellant also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of **Haripada Das Vs. State of West Bengal reported in (1998) 9 SCC 678** and **Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648** and considering the facts and circumstances of the case, age of appellant, his status in the society and the fact that he faced financial hardship and had to go through



mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the appellant is reduced to the one already undergone by him.

12. Accordingly, judgment of conviction and order of sentence dated 14.02.2011 passed by the learned Judge, Special Court, Karnal is affirmed but the quantum of sentence awarded by the Court concerned under Section 18 of Narcotics Drugs and Psychotropic Substances Act, 1985, is modified to the extent that the sentence he has undergone till date would be sufficient and justifiable to serve the interest of justice. The appellant is on bail. He need not surrender. His bail bonds are discharged. However, the fine is enhanced to Rs. 30,000/- over and above the fine so imposed vide impugned order of sentence.

13. With these modifications, the present appeal is disposed of. Pending applications if any, also stand disposed of.

21st August, 2025

Sonia Puri

(H.S. GREWAL)
JUDGE

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