



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

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CRA-S-1461-SB-2006 (O&M)
Date of decision: 09.09.2025

Kewal Singh

....Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parminder Singh Sekhon, Advocate for the appellant.

Mr. Jasjit Singh, DAG Punjab.

AMAN CHAUDHARY, J.

1. By way of the present appeal, the appellant has challenged the judgment/order dated 05.08.2006, passed by the learned Special Court, Sangrur, whereby he was convicted and sentenced to undergo rigorous imprisonment for two years alongwith fine of Rs.2000/- and in default of payment of the same, to further undergo rigorous imprisonment for six months, for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').
2. Briefly put, the facts are that on 18.08.2003, ASI Her Gopal Singh, along with other police officials, while present in the area of village Ugrahan, apprehended a person carrying a gunny bag near the canal bridge on suspicion. After informing him about his rights, a search was conducted, leading to the recovery of 20.5 kg of poppy husk. Thereafter, the samples were drawn and sealed. A *ruqa* was sent, based on which the FIR was registered.
3. On completion of investigation, final report under Section 173 Cr.P.C.



was presented in the Court against the accused. On finding a prima facie case, charge under Section 15 of the Act was framed against him, to which he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined 5 witnesses and the statement of the accused was recorded under Section 313 Cr.P.C. pleading not guilty, when the incriminating evidence was put to him and alleged false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellant as noticed above.

6. Hence, appellant in appeal.

7. At the outset, learned counsel prays for reducing the sentence as already undergone, thereby giving up the challenge to his conviction, on the basis that he suffered incarceration of 2 months & 24 days, hails from poor strata of society; children of marriageable age; only earning member; non-commercial contraband recovered; first offender; not repeated the offence after suspension of sentence and facing the agony of prolonged trial since 2003.

8. Learned State counsel contends that the trial Court has rightly convicted the appellant based on the evidence led by the prosecution and adequately awarded the sentence, requiring no interference. He, however, was unable to deny that appellant, during pendency, committed no similar offence.

9. Heard and perused.

10. A bare perusal of the record shows that the trial Court after appreciating the evidence on record and the statement of the prosecution witnesses has rightly convicted the appellant, which does not warrant any intervention and thus his conviction is affirmed.



11. Regarding the prayer for reducing the sentence to the period already undergone, a gainful reference can be made to the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, 4 months and 16 days, by considering that the occurrence took place in 1997 and he was not a habitual offender, rather a first-time convict.

12. Hon'ble the Supreme Court in **Satish vs. State of U.P.**, (2021) 14 SCC 580, had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

13. Likewise, the sentence of 3 years and 6 months, of the appellant in **Naresh Kumar vs. State of Haryana** in CRA-S-796-SB-2005, decided on 24.02.2023, convicted under Section 15 of the Act, was modified to the period undergone i.e. 8 months and 25 days already, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time.

14. Turning to the present matter, while considering the long ordeal of trial of the appellant, his demonstrated reformatory conduct, and prevailing



socio-economic conditions, this Court finds sufficient mitigating factors. Accordingly, the ends of justice would be met by reducing the sentence to the period already undergone, while maintaining the fine as is.

15. In view of the above, the present appeal stands partly allowed by modifying the order of sentence dated 05.08.2006 to the aforesaid extent.

(AMAN CHAUDHARY)
JUDGE

09.09.2025

ashok

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