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

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**CRA-S-1382-SB-2011  
Date of Decision: 23.09.2025**

**BALWINDER SINGH AND ANR.****... APPELLANTS****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. S.P.S.Sidhu, Advocate and  
Mr. Udayveer, Advocate for the appellants.

Mr. Rishabh Singla, AAG, Punjab.

**H.S. Grewal, J.(Oral)**

1. This appeal has been filed against the judgment of conviction and order of sentence dated 05.04.2011 passed by the learned Judge, Special Court, Ferozepur in case FIR No.35 dated 23.02.2006 under Section 18 of Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act'), registered at Police Station Sadar Abohar, the appellants have come up before this Court by filing the present appeal.

2 The case of the prosecution is that on 23.02.2006, the appellants were found to be in possession of 2 kgs of opium. Pursuant thereto, vide order dated 05.04.2011 passed by the learned Judge, Special Court, Ferozepur, the appellants were convicted and sentenced to undergo rigorous imprisonment for a period of three years each and to pay fine of Rs. 10,000/-



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each and further in default thereof, to undergo rigorous imprisonment for a period of six months each.

3. Learned counsel for the appellants contends that he is not assailing the impugned judgment of conviction dated 05.04.2011 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellants, as they have already undergone a sentence of 01 year 01 month and 07 days out of the awarded sentence of three years. He further prays that since FIR in question pertains to the year 2006, a lenient view may be taken while passing an order on quantum by this Court.

4. On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of custody certificate dated 22.09.2025 and submits that the Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The appellants have been convicted for having in possession of *2 kgs of opium* attracting the offence of Section 18 of the Act, for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 2006 and he has already faced the rigors of the trial for more than 19 years.

7. 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.

8. 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.

9. A perusal of 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, learned counsel for the appellants has not assailed the judgment of conviction on merits, rather

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restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellants.

10. 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 2006. 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 19 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for 01 year 01 month and 07 days out of awarded sentence of three years. In view of the facts noted above, the case of the appellants deserve to be dealt with leniency. The appellants also deserve 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 Pereira 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 appellants, their status in the society and the fact that they 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 appellants is reduced to the one already undergone by them.

11. Accordingly, judgment of conviction and order of sentence dated 05.04.2011 passed by the Id. Judge, Special Court, Ferozepur is affirmed but the quantum of sentence awarded by the Court concerned under Section 18 of



the Act has been modified and reduced to the period of sentence they have undergone till date would be sufficient and justifiable to serve the interest of justice. The appellants are on bail. They need not surrender. Their bail bonds are discharged. However, the amount of fine of Rs.10,000/- each imposed upon the appellants by the Id. Trial Court is enhanced to Rs. 30,000/- each. The appellants are directed to deposit the enhanced amount of fine in learned trial Court within a period of one month from the date of receipt of certified copy of this order and in case of default of payment of fine, they will be liable to be taken into custody and made to undergo rigorous imprisonment for further six months.

- 12. With these modifications, the present appeal is disposed of.
- 13. Pending application(s), if any, shall also stand disposed of.

23.09.2025  
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(H.S.GREWAL)  
JUDGE

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