



CRA-S-1623-SB-2011 (O&M)

-1-

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

201

CRA-S-1623-SB-2011 (O&M)
Date of decision : 09.09.2025

Gurdeep Singh

... Appellant

Versus

State of Punjab

... Respondent

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

Present:- Mr. Namit Sharma, Advocate (Legal Aid Counsel)
for the appellant.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. The present appeal has been preferred by the appellant against the judgment of conviction and order of quantum of sentence dated 01.06.2011, passed by the learned Judge, Special Court, Faridkot, in FIR No.65 dated 08.04.2008, registered at Police Station Jaitu, whereby he has been convicted under Section 15 of the NDPS Act and sentenced to undergo rigorous imprisonment for a period of one and a half years, to pay a fine of Rs.20,000/- and in default thereof, to undergo further rigorous imprisonment for 03 months.

2. The case of the prosecution is that on 08.04.2008, the appellant was apprehended while having in possession of 15 kg. poppy husk and in pursuant thereto, the trial Court vide impugned judgment and order of sentence dated 01.06.2011 had convicted the appellant and sentenced him to undergo aforesaid imprisonment.

3. Learned counsel for the appellant submits that he is not assailing the impugned judgment of conviction dated 01.06.2011 on merits and restricts



his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellant or in the alternative for reduction of sentence because he has already undergone an actual sentence of 03 months 09 days out of the total sentence of one and a half years. He, therefore, prays that since the FIR in question pertains to the year 2008, a lenient view may be taken while passing an order/judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the appellant on the ground that the learned Court below has passed a well reasoned judgment based on correct appreciation of evidence available on record. In terms of the reply filed by way of an affidavit of the Superintendent of Police, District Jail, Faridkot dated 06.07.2011, the appellant has undergone an actual sentence of 03 months 09 days out of the total sentence of one and a half years and he is involved in two other cases under the NDPS Act.

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

6. The appellant is stated to have been convicted for having in possession of 15 kg. poppy husk attracting the offence under Section 15 of the NDPS Act, for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 2008 and he has already faced the rigors of the trial for more than 17 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-Judges 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 appellant has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of reduction or the sentence already undergone by the appellant.

10. The FIR in the present case was registered on 08.04.2008 and the appellant has been suffering the agony of trial for over 17 years. It is pertinent to note that Section 15 of the NDPS Act does not prescribe any minimum



CRA-S-1623-SB-2011 (O&M)

-4-

sentence. The appellant has already undergone an actual sentence of 03 months 09 days out of the total sentence of one and a half years but he is involved in two other cases under the NDPS Act. Therefore, while taking a lenient view, this Court is of the opinion that it would be in the interest of justice if the sentence awarded to the appellant be reduced to six months.

11. Consequently, the present appeal is disposed of by upholding the judgment dated 01.06.2011 passed by the learned Judge, Special Court, Faridkot, however, the order of quantum of sentence dated 01.06.2011 is modified to the extent that the sentence of rigorous imprisonment for one and a half years along with default mechanism awarded to the appellant is reduced to six months and the fine amounting to Rs.20,000/- imposed upon the appellant is increased to Rs.30,000/-. The appellant is directed to deposit the increased 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, he will be liable to be taken into custody and made to undergo rigorous imprisonment for further one month.

12. The Chief Judicial Magistrate, Faridkot is directed to take necessary steps to ensure that the appellant is taken into custody and made to undergo the remaining sentence.

09.09.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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