



**201-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

DATE OF DECISION: 27.08.2025

1. CRA-S-157-SB-2012 (O&M)

SUKHPAL SINGH Vs. STATE OF PUNJAB

.....Appellant

Versus

STATE OF PUNJAB

.....Respondent

2. CRA-S-455-SB-2012 (O&M)

BIKKAR SINGH

.....Appellant

Versus

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Aaditya Narain Rana, Advocate (Amicus Curiae)
for the appellant(s).

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL J. (Oral)

CRM-2382-2012

Allowed as prayed for, subject to all just exceptions.

Main case(s)

1. By way of common order, the aforesaid appeals shall be disposed of which have been filed against impugned judgment dated 07.12.2011 passed by learned Judge, Special Court, Sri Muktsar Sahib in FIR No.318 of 22.08.2005 under Section 15 of NDPS Act, 1985 registered at Police Station Lambi whereby



the appellant(s) have been convicted and sentenced to undergo rigorous imprisonment for a term of four years alongwith fine of Rs.25000/- each and further in default of payment of fine, to undergo rigorous imprisonment for a period of nine months each.

2. The appellants have come up before this Court by way of filing of the present appeal.

3. The allegations against the appellants are that they were found in possession of 35 kilograms of poppy husk on 22.08.2005 at 6.5 pm in the area of village Lohara without any permit or license and thereby committed an offence punishable under Section 15 of the NDPS Act, 1985.

4. Upon conclusion of trial, the appellants/accused were held guilty and sentenced accordingly, vide impugned judgment dated 07.12.2011 passed by learned Judge, Special Court, Sri Muktsar Sahib as enumerated above.

5. Learned counsel for the appellants also submits that the appellants have been suffering the agony of trial since 22.08.2006 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 29.08.2012 and during the pendency of present appeal and it would be just and expedient to reduce the sentence awarded to the appellant(s) by the learned Judge, Special Court, Sri Muktsar Sahib to the period as already undergone, as the appellant(s) is a law-abiding citizen and has reformed himself after his conviction. Learned counsel for the appellant(s) 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(s) is not involved in any other case and has not indulged in any such activity, even after his conviction.

2025:PHHC:114952



6. At this stage, counsel for the appellant(s) 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 by way of filing of custody certificate dated 25.08.2025 opposes the prayer of the appellant(s) 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(s) is not involved in any other case.

10. 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.

11. 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

2025:PHHC:114952



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.

12. A perusal of the judgment of conviction passed learned Judge, Special Court, Sri Muktsar Sahib indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the appellant(s) 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(s).

13. Besides the present case, the appellant(s) have not been involved in any other case. Considering the fact that FIR is of the year 2005; the appellant(s) have already faced the rigors of trial and the fact that he has undergone 10 months and 11 days of custody, therefore, while taking a lenient view in the present case, this Court deems it fit to reduce the sentence awarded to the appellant(s) to the period already undergone.

14. Keeping in view the above facts and circumstances of the present case, there is no other criminal antecedents against the petitioner, the judgment of conviction dated 07.12.2011 passed by learned Judge, Special Court, Sri Muktsar Sahib is upheld. However, the order of sentence dated 07.12.2011 is modified to the extent that the sentence of rigorous imprisonment for a term of four years alongwith fine of Rs.25000/- each and further in default of payment of fine, to undergo rigorous imprisonment for a period of nine months each is reduced to the period of sentence already undergone by him, however, the fine

2025:PHHC:114952



imposed vide judgment dated 07.12.2011 is enhanced to that of Rs.35,000/-, Rs.10,000/- each over and above the fine imposed vide impugned order of sentence dated 07.12.2011.

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

27th August, 2025
Sonia Puri

(H.S. GREWAL)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>