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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



CRA-S-1698-SB-2012 (O&M)
Date of Decision: 15.07.2025

JANPAL SINGH

... APPELLANT

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- None for the appellant.
Mr. Amandeep Singh Samra, AAG Punjab.

H.S. Grewal, J.

Feeling aggrieved by the judgment dated 16.05.2012 passed by learned Judge, Special Court, Patiala in FIR No.85 dated 16.05.2008 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Patran whereby the appellant has been convicted and sentenced on 16.05.2012 as under:

Name of convict	Under Section	Sentence	Fine in Rs.	Default in fine /sentence
Janpal Singh	21 of NDPS Act	RI for 04 months	1000/-	RI for a period of one month

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 16.05.2008 ASI Nishan Singh along with HC Gian Singh and others on a government vehicle were

present at Narwana Road, By pass Chowk, Patran in connection with Special Nakabandi duty with regard to Panchayat elections where he received secret information that appellant who was a professional drug peddler was heading towards Patran side on foot after bringing smack. The search of the appellant was conducted and 50 gms of smack was recovered from him.

4. Learned counsel for the appellant submits that FIR is of the year 2008 and since then the appellant is facing the rigors of trial. The recovery was from the right pocket of the shirt of the appellant. However, the recovery was not effected before any Gazetted Officer or Magistrate. Since the appellant had given his consent to be searched by the Investigating Officer, thereafter, he proved his case. The prosecution led its evidence and perusal of the judgment would show that there is no infirmity with the recovery from the appellant which stands duly proved. However, considering the fact that the appellant has been suffering the agony of trial since the year 2008 and out of 04 months, he has already undergone sentence of 01 month and 18 days and moreover, the fact that he is not involved in any other criminal case, it would be just and expedient to reduce the sentence awarded to the appellant by the learned Judge, Special Court 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.

5. Learned counsel for the appellant further 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.

6. On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of custody certificate dated 12.07.2025 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.

7. A two Judge-Bench of the Hon'ble Supreme Court in ***Mohd. Giasuddin Vs. State of AP, AIR 1977 SC 1926***, speaking through Justice V.R. Krishna Iyer, has observed as under:-

"Crime is a pathological aberration. The criminal can ordinarily be redeemed and the state has to rehabilitate rather than avenge. The sub-culture that leads to antesocial behaviour has to be countered not by undue cruelty but by reculturization. Therefore, the focus of interest in penology is the individual and the goal is salvaging him for the society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today vies sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of a social defence. Hence a therapeutic, rather than an 'in terrorem' outlook should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries."

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 the learned Judge, Special Court 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. Besides the present case, the appellant has not been involved in any other case. Considering the fact that FIR is of the year 2008 and the appellant has already faced the rigors of trial and the fact that he has undergone 01 month and 18 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 to the period already undergone by him.

12. In view of above, the present appeal is **disposed of** by upholding the judgment of conviction dated 16.05.2012 passed by learned Judge, Special Court, Patiala. However the order of sentence dated 16.05.2012 is modified to the extent that the sentence of rigorous imprisonment for a period of 04 months is reduced to the period of sentence already undergone by him. The fine imposed upon the appellant is enhanced to Rs. 5000/- over and above the fine already imposed.

13. The present appeal is disposed of accordingly. Pending applications if any, also stand disposed of.

15.07.2025

Janki

(H.S.GREWAL)
JUDGE

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