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

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CRA-S-677-SB-2006 (O&M)
Date of decision: 09.09.2025

Balkar Singh

....Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Saransh Sabharwal, Advocate for
Mr. Sameer Sachdeva, Advocate for the appellant.

Mr. Parmod Kumar, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. Challenge in the present appeal is to the judgment/order dated 16.11.2005, passed by the learned Special Court, Panipat, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for four years alongwith fine of Rs.50,000/- and in default of payment of the same, to further undergo rigorous imprisonment for six months, for the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Shorn of unnecessary details, the facts are that on 06.05.2001, when ASI Subhash Singh alongwith other police officials were on patrolling duty in connection with the checking of miscreants and suspected vehicles, on a secret information, they apprehended the accused in possession of opium wrapped in a wax paper. After apprising them of their rights, search was conducted in the



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presence of a Gazetted Officer and recovery of 500 g. of opium was effected. The requisite samples were drawn and sealed. Ruqa was sent, on the basis of which, an FIR was registered.

3. The final report under Section 173 Cr.P.C. was presented in the Court against the accused, after completion of investigation, whereupon charge under 18 of the Act was framed against him, on finding a prima facie case, to which he pleaded not guilty and claimed trial.

4. The prosecution in order to bring home the guilt of the accused examined as many as 7 PWs. On closure of their evidence, statement of the accused-appellant was recorded under Section 313 of Cr.P.C., whereby incriminating evidence was put to him, which he denied, while pleading innocence and attributing 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. Being unsatisfied, the appellant has sought remedy before this Court.

7. The challenge to the conviction is given up by the learned counsel, who now confines his prayer for reduction of sentence to the period of 1 year, 3 months and 6 days, already undergone by the appellant, on the grounds he belongs to the poor strata of society; the only bread earner of the family; recovery was non-commercial; not involved in any other case after grant of bail and has been facing the agony of protracted trial for the last 24 years.

8. Per contra, learned State counsel submits that the trial Court after evaluating the evidence has rightly convicted the appellant and the sentence awarded to him cannot be said to be excessive, therefore, he prays for the



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dismissal of the present appeal. He, however, affirms that appellant did not commit any offence during pendency of this case.

9. Counsel on either side heard and the record perused.

10. As is discernable from the impugned judgment, PW7-ASI Sukhbir Singh and PW5-Head Constable Naresh had deposed that the accused-appellant was apprehended and found to be in conscious possession of the alleged contraband. As per FSL report Ex.PX, the contents of contraband were found to be 'Opium'. Thus, the trial Court has rightly convicted the appellant and there is no scope for interference in the findings recorded therewith and the conclusion arrived at. As such, his conviction is upheld.

11. On the issue of reduction of sentence to the period already undergone, the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, can be referred to, 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. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court 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



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forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]”.

13. Likewise, in **Naresh Kumar vs. State of Haryana**, CRA-S-796-SB-2005, decided on 24.02.2023, the sentence of the appellant i.e. 3 years and 6 months, 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. Whilst adopting a sympathetic approach; the appellant having suffered the vagaries of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds mitigating factors apparent. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

15. The order of sentence dated 16.11.2005 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

(AMAN CHAUDHARY)
JUDGE

09.09.2025

ashok

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