



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

237

CRA-S-2813-SB-2012
Date of decision: 13.11.2025

JASKARAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Veneet Sharma, Advocate
for the appellant.

Ms. Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Instant appeal is against the judgment of conviction and order of sentence dated 10.09.2012 passed by the Judge, Special Court, Amritsar whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment of 4 years and to pay fine of Rs. 25,000/- and in default thereof, to further undergo rigorous imprisonment for 4 months for commission of offence under Sections 22 of the N.D.P.S. Act in case bearing FIR No. 252 dated 10.12.2007 registered at Police Station "A" Division, Amritsar.

2. The case of the prosecution is that on 10.12.2007, at about 5:00 p.m., a police party was on patrolling duty and had conducted a nakabandi on

the G.T. Road when they received a secret information that one Jaskaran Singh @ Ballu, described as a habitual dealer in smack, was moving in a black Palio car bearing registration No. PB10-BH-7677. Acting upon this information, the police intercepted the said vehicle on suspicion. The Investigating Officer thereafter commenced search proceedings in the presence of the Deputy Superintendent of Police. During the course of the search, a glazed-paper carry bag was recovered from the right-side pocket of the appellant's trousers, and the contents thereof were identified as smack. On weighment, the contraband was stated to be 130 grams, out of which 5 grams was drawn as a sample.

3. Upon receipt of the report of the Chemical Examiner and consequent completion of the investigation, the challan against the appellant was presented before the competent Court. Copy thereof was supplied to the appellant, as per law.

4. After the parties led their respective evidence and upon hearing arguments of the parties, the appellant was held guilty and sentenced by the trial Court. Aggrieved thereof, the present appeal has been instituted.

5. Learned counsel for the appellants contends that the suspension of sentence of the appellants had been allowed vide orders dated 08.03.2013. There is no other criminal case registered against the appellant and he does not want to challenge the judgment on merits. He has confined his prayer and arguments only to the quantum of sentence. Hence the factual aspects of the case on merits are not being delved into at this stage. The following mitigating circumstances are pointed out by the counsel for the petitioner:

- i) The incident in question pertains to the year 2007 and already a period of 18 years elapsed. The appellant has faced agony of protracted criminal proceedings for more than 18 years.
- ii) There is no record of the petitioner having been involved in any other similar criminal offence, either during the pendency or after the trial of the present case, indicating that the petitioner has reformed himself and has successfully reintegrated into the mainstream of society. There is nothing on record to suggest any probability of reoffending.
- iii) The petitioner has already undergone an actual sentence of more than 08 months out of a total sentence of 04 years.

6. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through cogent, reliable, and convincing evidence brought on record during trial. It is further contended that the offence committed by the petitioner is of a serious nature and, therefore, calls for imposition of a stringent sentence. The learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

7. I have heard learned counsel representing the parties and have gone through the case record.

8. The Hon'ble Supreme Court in the matter of **Pramod Kumar**

Mishra Vs. State of UP (2023) 9 SCC 810, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and individual redemption.

9. The fundamental purpose of imposition of sentence is based upon making an accused realize the consequences of the crime committed by him and the creation of the dent in the life of the victims and also the social fabric. The same by itself does not oblige the Court to extend opportunity to a convict for reforming himself. The principles of proportionality have to be balanced and the impact of the offence on the society as a whole and its ramifications on the victim and the immediate collectives also has to be examined.

10. A nine judge bench of the Supreme Court of the United States, in *Dennis Councle McGautha v. State of California* reported as 402 U.S. 183 (1971), observed that the criteria governing sentencing neither furnish an exhaustive list of relevant considerations nor indicate how various circumstances should influence the decision-making process. In essence, these standards merely suggest broad areas for consideration and underscore the inherent difficulty in formulating uniform sentencing principles, particularly in matters of grave offences. The Court further cautioned against

rigidly prescribing or mandating uniform standards for sentencing, emphasizing that the principles governing punishment must depend upon the facts and circumstances of each individual case, and that no straightjacket formula can be universally applied.

11. Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.

12. The penal consequences, in such circumstances, deserve to be moderated to ensure a balance of equities, particularly when the offender has exhibited genuine reformatory conduct. The sentence, therefore, warrants suitable modification to reflect recognition and encouragement of such good behaviour.

13. It is well settled that the object of punishment is not merely to deter but also to reform, and where an offender demonstrates sincere remorse and rehabilitation, the emphasis must shift from retribution to reintegration into society.

14. The case in hand is yet another where interest of justice would warrant a reformatory approach in precedence to a punitive or retributive

approach. It is not the function of the judges to seek the transformation of human nature itself, but rather to shape the framework within which individuals perceive that adherence to the law aligns with their own best interests.

15. The Court is of the opinion that sufficient mitigating circumstances exist in the present case and the same call for interference and modification in the sentence.

16. Taking into consideration the facts and circumstances relied upon by the appellant, I thus deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence is modified. The sentence awarded by the Judge, Special Court, Amritsar, vide order dated 10.09.2012 is modified and reduced to the period already undergone. However, the sentence of fine awarded by the trial Courts to a sum of Rs.25,000/- is increased to Rs.30,000/-. They shall undergo the default punishment as prescribed, in an event of non-deposit of fine.

17. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)

JUDGE

NOVEMBER 13, 2025

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No