



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

251

CRA-S-3305-SB-2012 (O&M)

Date of decision: 02.12.2025

Gurwinder Singh

....Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Pahulpreet Kaur, Advocate, for
Mr. G. S. Nahel, Advocate for the appellant

Mr. Rahul Kumar Adia, AAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present appeal is to the judgment/order dated 09.11.2012, passed by the learned Judge, Special Court, Sangrur, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for 1 year alongwith fine of Rs.10,000/- and in default of payment of the same, to further undergo rigorous imprisonment for two months, for the offence punishable under Section 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Tersely, the facts reveal that on 01.01.2008, when ASI bal Puri alongwith HC Sarabjit Singh and other police officials on private vehicles in connection with patrolling duty were going towards village Mallumajra via Kaheru. When the police party was short of 25 yards from the bridge of the drain in the area of village Daulatpur, meanwhile the appellant was seen coming from the opposite side on his motorcycle. On suspicion, ASI Bal Puri signaled the appellant to stop his motorcycle. The appellant tried to turn back but was apprehended. One independent witness namely Bachittar Singh son of Mohinder Singh resident of villate Kandhargarh Channa also came and he was joined the



police party after disclosing the facts of the case. After apprising of his rights, search was conducted and recovery of 250 grams of opium was effected from the right pocket of his pent. 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 placed before the Court, pursuant to the completion of investigation. Observing that a prima facie case existed, charge under Section 18/61/85 of the Act was framed. The accused denied the charge and faced trial.

4. To substantiate its case, the prosecution examined 7 witnesses. Subsequently, the accused was examined under Section 313 Cr.P.C., wherein the incriminating circumstances were put to him. He denied the same, asserting innocence and alleged 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. The appellant, feeling dissatisfied, has invoked the jurisdiction of this Court.

7. Learned counsel, at the very outset, prays for reducing the sentence as already undergone by the appellant, having young children, thereby giving up the challenge to his conviction, on the basis that he has suffered incarceration of 2 months and 3 days; recovery being non-commercial; never misused the concession of bail; and has been facing the agony of protracted trial since 2012.

8. Resisting the appeal, 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 dismissal of the present appeal. He, however, affirms the period undergone



by him.

9. Heard submissions and perused the material on record.

10. Evidently, PW6-SI Bal Puri had deposed that the accused-appellant was found to be in conscious possession of the alleged contraband, which fact was corroborated by PW2-HC Sarabjit Singh being recovery witness. 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. As to the submission seeking reduction of sentence to the period already undergone, reliance can be placed upon the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, 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. The sentence of the appellant in **Naresh Kumar vs. State of Haryana** in CRA-S-796-SB-2005, decided on 24.02.2023, convicted under Section 15 of the Act, was modified to the period undergone i.e. from 3 years and 6 months to 8 months and 25 days already undergone, 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.

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

14. Humanistically viewing, the appellant having suffered the ignominy of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds extenuation to be implicit. 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 09.11.2012 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

(AMAN CHAUDHARY)
JUDGE

02.12.2025
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No