



CRA-S-35-SB-2012 (O&M) -1-

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

**CRA-S-35-SB-2012 (O&M)
Date of decision: 22.08.2025**

NAWAB SINGH @ PAPP

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

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

Present: Mr. Sachin Mittal, Advocate (legal aid counsel)
for the appellant.

Mr. Tapan Masta, Addl. A.G., Haryana.

H.S. GREWAL J. (Oral)

1. Feeling aggrieved by the judgment of conviction and order of sentence dated 08.06.2011 and 14.09.2011 respectively, passed by learned Additional Sessions Judge, Karnal whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment for a period of 05 years and to pay a fine of Rs.10,000/- and in default thereof to further undergo rigorous imprisonment for a period of two months, in FIR No.230 of 25.07.2006 under Sections 18, 27-A and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 registered at Police Station Gharaunda, the appellant has come up before this Court by way of filing of the present appeal.

2. The allegations against the appellant in the present case is that on 25.07.2006 the appellant was arrest on being found in conscious possession of 2 kgs of opium and for the said contraband, he was not having any permit or licence. On completion of investigation, the appellant alongwith case property was produced before the trial Court.



3. Thereafter, upon conclusion of the trial, the petitioner/accused was convicted by the Court of learned Additional Sessions Judge, Karnal vide judgment and order dated 08.06.2011 and 14.09.2011 respectively, was sentenced to undergo rigorous imprisonment as enumerated above.

4. Learned counsel for the appellant also submits that the appellant has been suffering the agony of trial since 25.07.2006 as the appeal is also an extension of trial. He is not involved in any other criminal case since the suspension of his sentence by this Court vide order dated 23.08.2012 during the pendency of present appeal and it would be just and expedient to reduce the sentence awarded to the appellant by the learned Additional Sessions Judge, Karnal 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.

6. At this stage, counsel for the appellant 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 opposes the prayer of the appellant(s) by way of filing of custody certificate dated 20.08.2025 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.



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 learned Additional Sessions Judge 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 re-



stricted the prayer only *qua* modification of quantum of sentence to that of the period already undergone by the appellant.

11. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2006. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellant has already suffered the agony of protracted trial, spanning over a period of more than 21 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for 02 years, 07 months and 19 days. He is living peacefully for almost two decades as no report contrary to that has been received. In view of the facts noted above, the case of the appellant deserves to be dealt with leniency. The appellant also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of **Haripada Das Vs. State of West Bengal reported in (1998) 9 SCC 678** and **Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648** and considering the facts and circumstances of the case, age of appellant, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the appellant is reduced to the one already undergone by him.

12. Accordingly, judgment of conviction and order of sentence dated 08.06.2011 and 14.09.2011 respectively passed by the learned Additional Sessions Judge, Karnal is affirmed but the quantum of sentence awarded by the Court concerned under Sections 18, 27-A and 29 of Narcotic Drugs and



Psychotropic Substance Act, 1985, is modified to the extent that the sentence he has undergone till date would be sufficient and justifiable to serve the interest of justice. The appellant is on bail. He need not surrender. His bail bonds are discharged.

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

22nd August, 2025
Sonia Puri

(H.S. GREWAL)
JUDGE

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