



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

736

CRA-S-4221-SB-2015 (O&M)

Date of decision: 27.11.2025

Amarjit Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Avtar Singh Syan, 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 25.08.2015, passed by the learned Judge, Special Court, Patiala, 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 simple imprisonment for two months, for the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Tersely, the facts reveal that on 20.09.2012, when ASI Gian Singh alongwith other police officials on private vehicle were present at Bus Stand, Rajgarh in connection with patrolling duty, when ASI Mahinder Singh informed him that one lady is coming to supply the opium to someone at T-Point near Royal Castle Hotele. Upon receiving this information, they went there and saw that a woman was standing while carrying a polythene lifafa in her hand and on suspicion, she was apprehended. After apprising of her rights, search was conducted and recovery of 1 kg 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 placed before the Court, pursuant to the completion of investigation. Observing that a prima facie case existed, charge under Section 18 of the Act was framed. The accused denied the charge and faced trial.

4. To substantiate its case, the prosecution examined 6 witnesses. Subsequently, the accused was examined under Section 313 Cr.P.C., wherein the incriminating circumstances were put to her. She 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 two young children of marriageable age, being a lady of 50 years, thereby giving up the challenge to his conviction, on the basis that she has suffered incarceration of 3 months and 28 days; is not involved in any other case; 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 her cannot be said to be excessive, therefore, he prays for the dismissal of the present appeal. He, however, affirms the non-involvement of the appellant in any other criminal case and the period undergone by her.

9. Heard submissions and perused the material on record.



10. Evidently, PW3-ASI Gian had deposed that the accused-appellant was apprehended and found to be in conscious possession of the alleged contraband, which fact was corroborated by PW4-HC Sandeep Singh. As per FSL report Ex.PW3/K, 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. 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 25.08.2015 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

(AMAN CHAUDHARY)
JUDGE

27.11.2025
M.Kamra

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