



113

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

**CRA-S-1034-2025 (O&M)
Date of decision: 27.03.2025**

Satpal Singh @ Satta

... Appellant

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Arora, Advocate
for the appellant.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present appeal has been preferred against the judgment of conviction and the order on quantum of sentence dated 19.02.2025 passed by learned Judge, Special Court-I, Ferozepur, in FIR No.10 dated 15.02.2019 under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Mallanwala, District Ferozepur, vide which the appellant was convicted and sentenced under Section 21(b) of NDPS Act and was ordered to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.10,000/- along



with default mechanism.

2. Brief facts of the case are that on 15.02.2019, ASI Paramjit Singh along with other police officials was on patrolling duty and was going from Village Mallanwala to Village Jaimal Wala. When the police party reached half kilometer ahead of Village Mallanwala, a person was seen coming on the motorcycle from opposite side. On seeing the police party, he tried to turn back and on the basis of suspicion, he was apprehended. Upon inquiry, the said person disclosed his name as Satpal Singh @ Satta (appellant). Thereafter, all the formalities as prescribed under the provisions of NDPS Act were completed and 100 grams of heroin, wrapped in a polythene envelope, was recovered from right pocket of shirt worn by the appellant.

3. After considering all the material brought on record, learned trial Court, vide judgement of conviction dated 19.02.2025, convicted the appellant under Section 21(b) of NDPS Act and vide order of sentence of even date, he was ordered to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.10,000/- along with default mechanism.

4. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 19.02.2025 on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the appellant, as he has already undergone total custody of 03 months and 15 days, which includes actual custody of 01 month and 07 days after conviction and is not involved in any other criminal activity.



5. *Per contra*, learned State counsel opposes the prayer of the appellant, as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the appellant was convicted for being in possession of 100 gram of heroin, which falls within the ambit of non-commercial quantity, attracting the offence under Section 21(b) of NDPS Act, for which no minimum punishment has been prescribed. As per his custody certificate, the appellant is not involved in any other case and he has already undergone actual sentence of 03 months and 15 days in the instant case. Since there is no minimum punishment prescribed under Section 21(b) NDPS Act, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by him.

7. In ***Deo Narain Mandal Vs. State of U.P., (2004) 7 SCC 257***, the Hon'ble Supreme Court has opined 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, 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.

8. Further, the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has reiterated 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (*supra*) was lodged on 15.02.2019 and the appellant has been suffering the agony of trial for last more than 05 years. Since his conviction, he has grown into a law-abiding citizen and desires to live a peaceful life.

10. Therefore, in view of the discussion above, the present appeal is disposed of and the judgment of conviction dated 19.02.2025 passed by



learned Judge, Special Court-I, Ferozepur is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment for one year and fine of Rs.10,000/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

11. Since the appellant is in custody, he is directed to be released from the jail forthwith, if not required in any other case.

12. All the pending miscellaneous application(s), if any, shall also stand disposed of.

27.03.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No