



CRR-279-2008 (O&M) -1-

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

**CRR-279-2008 (O&M)
Date of decision: 01.08.2025**

Manish Kumar Goyal

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Jagjit Beniwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

H.S. GREWAL J. (Oral)

Feeling aggrieved by the judgment and order dated 04.01.2007 passed by learned Chief Judicial Magistrate, Bhiwani whereby the petitioner has been convicted and sentenced under Section 27(b)(ii) of the Drugs and Cosmetics Act, 1940 (for short 'the Act'), and to pay a fine of Rs.5000/- and also convicted and sentenced to undergo rigorous imprisonment for a period of 03 months and to pay a fine of Rs.200/- for offence under Section 28 of the Drugs and Cosmetics Act, 1940 and in default thereof to further undergo simple imprisonment of three months, in criminal complaint case no.196-2 of 2000 under Drugs and Cosmetics Act, 1940 which was upheld by the Appellate Court vide its judgment dated 04.02.2008, the petitioner has come up before this Court by way of filing of the present petition.

2. The case of the prosecution is that the complainant is a public servant appointed as an Inspector under Section 21 of the Act and is stated to be



competent to launch the aforesaid complainant on behalf of the State. After completion of investigation challan against the accused was presented before the Court. On 24.6.1999, at about 1.30 PM, the complainant along with Dr. S.R. Siwatch, Medical Officer, General Hospital Bhiwani, visited the firm M/s Manish Brothers, situated at Sabzi Mandi, Bhiwani. The petitioner-Manish Kumar was found present and he stated that he is proprietor and incharge of the firm. After disclosing the identity and purpose of visiting them to the petitioner, the premises was inspected in the presence of the petitioner. It was found that the petitioner has stocked Allopathic drugs for sale along with kept in the shop. On verbal enquiry, it was stated by the petitioner that those drugs were meant for sale. He was asked to produce drugs sale licence issued under the Act authorizing him to stock allopathic drugs for sale, but he could not produce any document. The complainant gathered those allopathic drugs, which were stocked for sale in the premises and those drugs were ten types. The complainant prepared a list of those drugs on Form-16 in the presence of the petitioner and Dr. S.R. Siwatch and the complainant asked several persons to join as witness but none except one Rajesh Goyal came forward. Those drugs were packed in a card-board box and sealed with the seal of the complainant. The card-board box was signed by the complainant, petitioner and Dr. S.R. Siwatch. The petitioner gave a written statement in his own handwriting on Form 16 bearing details of seized drugs and a copy of Form 16 was given to the petitioner on the spot. On 25.6.1999, the complainant appeared to the Court and produced sealed box and original Form-16 and submitted application for custody orders and as per the orders of the Court concerned, sealed box was handed over to the complainant.

Thereafter, a notice under Section 18 (C), 18 (A) of the Act was issued to the



petitioner on 13.7.1999 but no reply was received from the petitioner despite reminder. After granting the requisite permission, the complainant filed the present complaint. After filing of the complaint, the petitioner was ordered to be summoned and face trial proceedings.

3. Thereafter, upon conclusion of the trial, the petitioner/accused was convicted by the Court of Chief Judicial Magistrate, Bhiwani vide impugned judgment dated 04.01.2007 and vide even dated order, was sentenced to undergo rigorous imprisonment as enumerated above.

4. Learned counsel for the petitioner also submits that the petitioner has been suffering the agony of trial since 13.07.1999 as the revision petition 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 18.02.2008 during the pendency of present petition and has prayed that he may be released on probation since he has exhibited good conduct throughout his incarceration and has not been involved in any other criminal case.

5. To support his contentions, learned counsel for the petitioner has placed reliance on judgment passed by the High Court of Rajasthan in case titled as ***“Rajveer Singh Vs. State of Rajasthan”, 2024:RJ-JD:32391*** whereby the trial court while convicting the petitioner for offence under Sections 27(b)(ii), 27(3) & 28-A of Drugs and Cosmetics Act, 1940, granted benefit of probation under Section 4 of Probation of Offenders Act.

6. Similarly, reliance has also been placed upon the judgment of High Court of Rajasthan in case ***“Bahadar Ram Vs. State of Rajashtan”, 2023:Rj-JD:28174.***



7. At this stage, counsel for the petitioner submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua his release on probation on the basis of his good conduct during the period of his incarceration.

8. On the other hand, learned State counsel opposes the prayer of the petitioner by way of filing of custody certificate dated 24.07.2025 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 petitioner is not involved in any other case.

9. The Hon'ble Supreme Court in 'Ved Prakash vs. State of Haryana' 1981(1) SCC 447 has also observed that "it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant". It was further observed by the Hon'ble Apex Court "even if the Bar does not help, the Bench must fulfil the reformatory approach of sentencing implicit in such enactments as the Probation of Offenders Act".

10. It is worthwhile to note that the occurrence in this case pertains to the year 1999. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 26 years and has been in the corridors of the court for this prolonged period. He was 27 years of age at the time of the incident. He remained incarcerated for around 19 days. He is living peacefully for last more than two and half decades as no report contrary to that has been received. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also



deserves the benefit of the consistent view taken by this Court in this regard. Thus, guided by the judicial pronouncements made by the High Court of Rajasthan in the cases of “*Rajveer Singh Vs. State of Rajasthan*”, 2024:RJ-JD:32391 and “*Bahadar Ram Vs. State of Rajashtan*”, 2023:Rj-JD:28174 .

11. Keeping in view the above facts and circumstances of the present case, there is no other criminal antecedents against the petitioner, the judgment of conviction dated 04.01.2007 passed by the learned Chief Judicial Magistrate, Bhiwani is upheld. However, the order of sentence dated 08.01.2007 is modified to the extent that the petitioner is ordered to released on probation under Section 4 of the Probation Offenders Act for a period of 06 months subject to his furnishing probation bonds/ surety bonds and to keep peace and be of good behaviour during the period of six months.

12. With these modifications, the present revision petition is disposed of.

01st 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>