

CRA-S-1468-2025(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-1468-2025(O&M)

Date of Decision: 08.08.2025

HARMEET SINGH ALIAS CHITII ALIAS HARPREET SINGH
...APPELLANT

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Karanjit Singh Brar, Advocate
for the appellant.

Mr. Sandeep Kumar, DAG, Punjab.

RUPINDERJIT CHAHAL, J. (Oral)

1. Present appeal has been preferred by the appellant against the judgment of conviction and order on quantum of sentence dated 27.02.2025 passed by learned Judge, Special Court, Fazilka in FIR No.27 dated 17.03.2019 under Section 22 of NDPS Act, vide which the appellant has been convicted and sentenced as mentioned below:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
22 of NDPS Act	Rigorous imprisonment for seven months	Rs. 50,000/-	Rigorous imprisonment for six months

2. Vide CRM-17307-2025, the appellant has also prayed for reducing the fine in default of which he is undergoing additional sentence after completing original punishment of 07 months.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 27.02.2025 on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a



period of 11 months 24 days including custody of 06 months 14 days as under trial and 05 months 10 days after conviction.

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

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the appellant was convicted under Section 22 of NDPS Act, for which no minimum punishment has been prescribed. As per custody certificate the appellant has undergone the total sentence of 11 months 24 days i.e. he has already completed 07 months of the punishment and now is undergoing the additional sentence for default of payment of fine.

6. Since there was no minimum punishment prescribed under Section 22 of NDPS Act, without delving into the merits of the appeal, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

7. In **Deo Narain Mandal v. State of UP (2004) 7 SCC 257**, a three Judge bench of 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

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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, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. 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 the learned trial Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 17.03.2019 and the appellant has been suffering the agony of trial for last 06 years.

10. Therefore, in view of the discussion above, the present appeal is disposed of in the following terms:-

- (i) The judgment dated 27.02.2025 passed by the learned Judge, Special Court, Fazilka is upheld.
- (ii) The order of sentence dated 27.02.2025 is modified to the extent that the sentence of rigorous imprisonment for 07 months along with 06 months for default of payment of fine of Rs. 50,000/- awarded to the appellant is reduced to the period of sentence already undergone by him.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(RUPINDERJIT CHAHAL)
JUDGE

08.08.2025		
Mohit Bishnoi	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No