



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR-1738-2017 (O&M)
Date of decision: 14.05.2025

Bikramjit Singh

....Petitioner

Versus

The State of Punjab through Drug Inspector

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Rakhra, Advocate for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1.

This revision petition has been preferred against the judgment dated 11.04.2017 passed by the learned Additional Sessions Judge, S.A.S. Nagar, Mohali, vide which judgment of conviction and order on quantum of sentence dated 11.09.2015 passed by the learned Chief Judicial Magistrate, S.A.S. Nagar, Mohali, in complaint No.47 dated 24.05.2012 filed under Sections 18(C) punishable under Section 27(b)(ii) and Section 18-A punishable under Section 28 of the Drugs and Cosmetics Act, 1940 and Rules, 1965, have been upheld.
2.

The petitioner was convicted by the learned trial Court below vide judgment of conviction dated 11.09.2015 and was sentenced as follows:

Offence	Sentence
Section 27(b)(ii) of the Drugs and Cosmetics Act	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 03 months.



Section 28 of the Drugs and Cosmetics Act	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 01 month.
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Both the sentences were ordered to run concurrently.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 11.04.2017 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 04 months and 26 days and is not involved in any other criminal activity.

4. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned Lower Appellate Court and as such, the petitioner 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 petitioner was convicted under Sections 27(b)(ii) and 28 of the Drugs and Cosmetics Act. As per the custody certificate, the petitioner is not involved in any other case and has already undergone an actual sentence of 04 months and 26 days out of total sentence of 01 year, in the instant case. Thus, 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.



6. In ***Deo Narain Mandal Vs. 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, 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.

7. Further, a two-Judge Bench of 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



8. A perusal of the judgment of conviction passed by the learned Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only for modification of quantum of sentence already undergone by the petitioner.

9. The complaint in the present case was registered on 24.05.2012 and the petitioner has been suffering the agony of trial since the last about 13 years. Thus, in my opinion, no useful purpose would be served by sending the petitioner behind the bars once again, to undergo the remaining part of the sentence. Rather, the ends of justice would be suitably met if the sentence imposed upon the petitioner is reduced to the period already undergone by him. This view is substantiated by the ruling of this Court in *Hem Raj vs State of Punjab, 2008 (3) R.C.R(Criminal) 475, Jagmohan Singh vs State of Punjab and others, 2014 (38) R.C.R(Criminal) 770 and Malkiayat Ram vs State of Haryana, passed in CRR No.2944 of 2011, decided on 06.09.2019.*

10. Consequently, the present revision petition is disposed of in the following terms:-

- (i) *The judgment dated 11.04.2017 passed by the learned Additional Sessions Judge, S.A.S. Nagar, Mohali, affirming the judgment of conviction dated 11.09.2015 is upheld.*



(ii) The order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 01 year and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

(HARPREET SINGH BRAR)
JUDGE

14.05.2025
yakub

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