

2025:PHHC:082208



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

**CRA-S-1970-2025 (O&M)
DECIDED ON: 09.07.2025**

BALKAR SINGH

.....APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Davinder Singh, Advocate
 for the appellant.

Ms. Mayuri Lekhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Though the application seeking suspension of sentence of the applicant/appellant has been listed for hearing today but with the consent of learned counsel for the respective parties, the main appeal i.e. CRA-S-1970-2025 (O&M), which stands admitted vide order dated 18.06.2025 passed by this Court, is taken on board for final hearing.

2. The instant appeal has been preferred by accused Balkar Singh challenging judgment of conviction dated 04.10.2024 and order of sentence dated 04.10.2024 passed by learned Special Court, Hoshiarpur, whereby the appellant-Balkar Singh has been sentenced to undergo RI as under :-

I) To undergo rigorous imprisonment for two years and to pay a fine of Rs.20,000/-. In default of payment of fine to further RI for two months for commission of offence under Section 22 of NDPS Act.

II) To undergo rigorous imprisonment for one year and to pay a fine of Rs.2000/-. In default of payment of fine to further RI for one month for commission of offence under Section 411 of IPC.

3. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

4. Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.

5. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. The appellant has undergone the actual sentence of 1 year and 21 days out of total substantive sentence of 2 years, as of now, as per the custody certificate of the appellant filed by learned State counsel in Court today. Apart from that there is no body in his family to look after his old aged parents and his two children, is only bread earner in his family. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident that the appellant is also involved in other two cases under IPC, but in those case he is already on bail.

6. Taking into consideration the above narrated discussion as well as

the fact that the appellant has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

7. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

8. With the aforesaid modification in the quantum of sentence, the present appeal stands dismissed.

9. The appellant is ordered to be released forthwith in case he is not required in any other case.

10. The criminal misc. application i.e. CRM-24352-2025 seeking suspension of sentence of the applicant/appellant is disposed off, as having been rendered infructuous.

09.07.2025

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(SANDEEP MOUDGIL)
JUDGE

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