



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

**CRM-42473-2022 in/and
CRA-S-2265-2022
Date of decision: 20.02.2025**

STATE OF HARYANA

...APPELLANT

V/S

MANJIT SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.
None for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

CRM-42473-2022

1. Present application has been filed for condonation of delay of 108 days in filing the main appeal.
2. For the reasons mentioned in the application, the same is allowed.
3. Delay of 108 days in filing the appeal is condoned.

MAIN CASE

1. The present appeal is preferred against the order of sentence dated 06.04.2022 passed by learned Additional Sessions Judge, Sirsa, in a case bearing FIR No.110 dated 04.04.2019 registered under Section 21 of NDPS Act, 1985 at Police Station Rania, whereby, respondent-accused was ordered to undergo rigorous imprisonment for the period which he has already undergone.
2. Briefly stated, the facts of the prosecution case are that on 04.04.2019, when the police party was present at Jiwan Nagar Road, Rania in connection with patrolling and detection of crime, ASI Rajender Singh received a secret information that Manjit @ Bittu (respondent herein) is



**CRM-42473-2022 in/and
CRA-S-2265-2022**

2

involved in selling of narcotic substance i.e. Heroin etc and if the raid is conducted, he can be apprehended. On the basis of the information, *nakabandi* was held near cremation ground, Gaushala Mohalla, Rania and after some time, a person was seen coming. On seeing the police party, he tried to turn back, but on suspicion, he was apprehended and disclosed his name as Manjit @ Bittu. Upon his search, in presence of DSP Dabwali, a polythene pouch containing 7.30 grams of heroin was recovered. Hence, the FIR (*supra*) was registered.

3. Learned State counsel submits that the learned trial Court has fell into grave error by awarding the rigorous imprisonment to the respondent for the period already undergone by him. He further submits that the respondent-accused has committed a heinous crime and does not deserve any leniency.

4. Having heard the learned State counsel and after perusing the record of the case with his able assistance, this Court is of the considered opinion that the judgment of conviction passed by the 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 in the present case was lodged on 04.04.2019 and the respondent/accused has been suffering the agony of trial since the last about 06 years. It also appears that the respondent-accused do not have any criminal antecedents.

5. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully



**CRM-42473-2022 in/and
CRA-S-2265-2022**

3

fathom his mistake and channel that awareness into making fruitful contributions in society.

6. In *Deo Narain Mandal vs. State of UP (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.

7. 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.

8. In view of the discussion above, this Court does not find any reason to interfere with the order of sentence dated 06.04.2022 passed by



CRM-42473-2022 in/and
CRA-S-2265-2022

4

learned Additional Sessions Judge, Sirsa. Consequently, the present petition is dismissed.

February 20, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |