



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

220

CRA-S-1483-SB-2012 (O&M)

Date of decision: 07.04.2026

Sukhvinder and Another

....Petitioners

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Rajbir Singh, Advocate for the appellants

Mr. Gautam Kaile, DAG Haryana

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**AMAN CHAUDHARY, J. (ORAL)**

1. By way of the present appeal, the appellants have challenged the judgment/order dated 04/07.04.2012 passed by the learned Additional Sessions Judge, Bhiwani, whereby they were convicted and sentenced to undergo rigorous imprisonment for two years alongwith fine of Rs.20,000/- and in default of payment of the same, to further undergo simple imprisonment for six months, for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. In a nutshell, the facts reveal that on 23.12.2010, ASI Om Parkash along with other police official were present on Hisar-Rajgarh road, in connection with patrolling duty, they saw two young boys coming from the Rajgarh side, while carrying bags and on suspicion, they were apprehended and after informing them about their rights, a search was conducted, leading to recovery of 12.000 kgs of Chura post from the petitioner-Sukhvinder, while 8.000 kgs of doda post from the petitioner-Kaka Singh. Thereafter, the samples



were drawn and sealed. A *ruqa* was sent, based on which the FIR was registered.

3. Upon conclusion of investigation, final report under Section 173 Cr.P.C. was submitted before the Court. Finding a *prima facie* case, the Court framed charge under Sections 15 & 16 of the Act, to which the accused pleaded not guilty and sought trial.

4. In order to prove its case, the prosecution examined 7 witnesses and the statement of the accused was recorded under Section 313 Cr.P.C. pleading not guilty, when the incriminating evidence was put to them and alleged false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellants as noticed above.

6. Hence, appellant in appeal.

7. Learned counsel for the appellants, at the very outset, does not wish to challenge the conviction, but prays for reducing the sentence to the period already undergone, it being 3 months and 11 days, in view of the quantity of recovered contraband that was only 12.000 kgs of Chura post and 8.000 kgs of doda post, which is marginally above the small quantity and falls in “intermediate quantity”; they are not involved in any other case under this Act; belong to the poor strata of society; never misused the concession of bail and have been facing the agony of protracted trial for the last 25 years.

8. Learned State counsel, on the other hand, submits that the trial Court has rightly convicted the appellants based on the evidence led by the prosecution and adequately awarded the sentence, requiring no interference, thus, prays for the dismissal of the present appeal.



9. Heard submissions and perused the material on record.
10. Though, the appellants have given up their challenge to the conviction and restricted their prayer only with regard to reduction of their sentence, the recovery being of non-commercial quantity. However, this Court still deems it appropriate to examine the judgment of conviction. The trial Court had thoroughly examined the evidence and observed that the prosecution has proved its case beyond reasonable doubt against the appellants. The recovery was effected from them by following the proper procedure and there is nothing on record to suggest that the appellants were falsely implicated in the case. From the statements of the witnesses, the link of evidence appears to be complete. Thus, the trial Court has rightly convicted the appellants as referred to above and there is no scope for interference in the findings recorded and conclusion arrived at by it. As such, the conviction of the appellants is upheld.
11. Insofar as the prayer for reducing the sentence to the period already undergone is concerned, it would be worthwhile to make a reference to the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, 4 months and 16 days, by considering that the occurrence took place in 1997 and he was not a habitual offender, rather a first-time convict.
12. Similarly in **Minder Singh @ Landa vs. State of Punjab**, CRA-S-2190-SB-2007, decided on 01.04.2025, keeping in view the recovery effected being intermediate quantity i.e. 30 kg of poppy husk and the fact that he is facing the agony of trial for last more than 18 years, this Court reduced the sentence of the accused-appellant from 2 years to 2 months and 25 days, as



undergone.

13. Furthermore, in **Naresh Kumar vs. State of Haryana** in CRA-S-796-SB-2005, decided on 24.02.2023, the sentence of the appellant i.e. 3 years and 6 months, convicted under Section 15 of the Act, was modified to the period undergone i.e. 8 months and 25 days already, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time.

14. In **Dharambir vs. Union Territory, Chandigarh** 2004(1) RCR (CrI.) 704, wherein the recovery of contraband was of non-commercial, it being 100 gms of charas, despite that the trial Court awarded the maximum punishment of 10 years, this Court reduced the sentence to the period already undergone i.e. 16 months as well as fine from Rs.two lacs to Rs.5000/-.

15. Humanistically viewing, the appellants having suffered the ignominy of trial since long; successfully warded off their crime-proneness-an evident learning of a lesson; their socio-economic circumstances, this Court finds extenuation to be implicit. Thus, it would serve the ends of justice to reduce their sentence to the period already undergone, however, keeping the fine intact.

16. The appeal stands disposed of accordingly.

**(AMAN CHAUDHARY)**  
**JUDGE**

**07.04.2026**  
M.Kamra

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