



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

228

**CRA-S-1577-SB-2012 (O&M)
Date of decision: 04.05.2026**

RAVINDER SINGH

.....Appellant

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Ms. Satpreet Kaur Ahluwalia, Advocate
for the appellant.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This is an appeal against the judgment of conviction and order of sentence dated 10.04.2012 passed by the Special Judge, Fatehgarh Sahib whereby the appellant had been convicted and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs. 10,000/- (and in default of payment of fine to further undergo rigorous imprisonment for two months) for commission of offence under Section 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in case arising out of FIR No. 113 dated 06.06.2009 registered at Police Station Gobindgarh.

2. Briefly stated, the prosecution case is that on 06.06.2009, a police party headed by SI Ram Lal, accompanied by HC Nazar Singh and other police officials, was present in the area of village Ajnali in connection with patrolling duty and detection of crime. At about 6:00 PM, when the police

party was stationed near the canal minor bridge falling within the said area, one person, later identified as accused Ravinder Singh son of Bharpur Singh, resident of village Chathe Sekhwan, was noticed approaching the spot on foot carrying a white coloured jhola in his hand. According to the prosecution, upon noticing the police party, the accused became perplexed and attempted to turn back, thereby arousing suspicion in the minds of the police officials. The accused was consequently apprehended by the police party. Thereafter, search of the white jhola (bag) being carried by the accused was conducted, resulting in recovery of poppy husk from the same. The accused failed to produce any valid permit, licence or authorization for possessing the said contraband substance. Upon weighment, the recovered contraband was found to be 10 kilograms in total. Out of the same, two representative samples of 250 grams each were separated and converted into separate parcels, whereas the remaining bulk quantity weighing 9 kilograms and 500 grams was made into another parcel. The Investigating Officer thereafter sealed the case property and took it into police possession through a recovery memo and completed the necessary formalities at the spot. Personal search memo and arrest memo of the accused were prepared and a ruqa was sent to the police station on the basis whereof the present FIR came to be registered against the accused. Thereafter, further investigation in the matter was conducted in accordance with law.

3. Upon completion of the investigation, challan against the appellant was presented before the competent Court. Copies of the same were supplied to the appellant.

4. On consideration of the material placed on record and finding

that a prima facie case was made out, the Trial Court framed charge against the appellant under Sections 15 of the NDPS Act, to which, he pleaded not guilty and claimed trial.

5. After completion of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded, wherein all incriminating circumstances appearing against him in the prosecution evidence were put to him. The accused denied the allegations levelled against him and pleaded false implication. The parties thereafter led their respective evidence and advanced submissions before the trial Court.

6. Upon conclusion of the evidence and after appreciating the oral as well as documentary evidence brought on record, the trial Court arrived at a finding that the prosecution had succeeded in establishing the guilt of the accused beyond reasonable doubt. Consequently, the appellant came to be convicted for the offences alleged against him and was sentenced as above vide the impugned judgment of conviction and order of sentence passed by the trial Court. Aggrieved thereof, the present appeal has been instituted.

7. At the outset, learned counsel for the appellant submits that she does not want to challenge the judgment on merits and confines her prayer and arguments only to the quantum of sentence awarded. The following mitigating circumstances are pointed out by her:

- a. The FIR in the present case was registered in the year 2009 and nearly 17 years have elapsed since the initiation of criminal proceedings against the appellant. The appellant has thus remained entangled in the criminal justice system for an extraordinarily prolonged period, spanning almost two

decades.

- b. The appellant has continuously faced the agony, anxiety, mental stress and social stigma attendant upon protracted criminal litigation for the last approximately 17 years. The pendency of criminal proceedings for such an extended duration, by itself, constitutes a substantial mitigating circumstance, particularly when the sword of conviction and incarceration continues to hang over the head of an accused for years together.
- c. The record further reveals that the appellant has already undergone actual incarceration of approximately 02 months and 19 days. The said period of custody cannot be ignored while balancing the proportionality of sentence, especially in the backdrop of the long passage of time since the occurrence.
- d. The sentence awarded to the appellant was suspended by this Court vide order dated 31.05.2012 and the appellant remained on bail during the pendency of the present appeal. Significantly, there is nothing on record to indicate that the appellant ever misused the concession of suspension of sentence granted to him by this Court or attempted to evade the process of law in any manner whatsoever.
- e. The appellant was approximately 52 years of age at the time when the judgment of conviction came to be passed in the year 2012. The appellant is now nearly 66 years old. The advancing

age of the appellant, coupled with the prolonged ordeal of criminal prosecution and the passage of substantial time since the occurrence, are relevant circumstances which deserve due weight while considering the question of sentence.

- f. The object of sentencing being not merely punitive but also reformatory and proportionate, the continued incarceration of the appellant at this stage would serve no useful purpose.
- g. In view of the totality of the aforesaid circumstances, the ends of justice would be adequately met if the substantive sentence awarded to the appellant is reduced to the period already undergone by him.

8. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the appellant, has argued that the prosecution has successfully established the guilt of the appellant through cogent, reliable, and convincing evidence brought on record during the trial. It is further contended that the offence committed by the appellant is of a serious nature and, therefore, calls for imposition of a stringent sentence. The learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

9. I have heard learned counsel representing the parties and have gone through the case record.

10. Since the appellant has given up the challenge to the judgment of conviction on merits, the said issues are not being gone into at this stage. The discussion is thus solely restricted to the issue of sentencing and quantum of punishment.

11. This Court, in CRR-2697-2025 titled ***Lakshay Jain v. State of Punjab & Another***, vide order dated 14.11.2025, has held that sentencing must prioritise a reformatory approach, assessing an offender's background and circumstances rather than adopting a purely punitive stance. Mere involvement in an offence does not, by itself, establish criminality; instead, the totality of circumstances including the manner of the act, antecedents, conduct, and intent must guide sentencing. The law, therefore, distinguishes between errors of judgment and acts driven by deliberate mens rea, recognising that offenders are often capable of reform and should not be presumed beyond rehabilitation. The relevant extract of the aforesaid judgment are as follows:

32. *The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work*

“Criminology,” observed that:

“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”

33. *Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.*
34. *While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and*

psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a 'criminal' and an 'offender'.

35. *While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.*

12. Adverting to the facts and circumstances of the present case and the mitigating factors highlighted by learned counsel for the appellant, it emerges that the appellant has undergone the ordeal and agony of protracted criminal proceedings for a period of nearly 17 years. The prolonged pendency of the matter, extending over almost two decades, has itself operated as a substantial punitive consequence for the appellant. The record further reveals that the appellant has already undergone actual custody of approximately 02

months and 19 days out of the total substantive sentence of two years awarded to him by the learned trial Court. It is also significant that during the entire period when the concession of suspension of sentence remained operative, no material has been brought on record by the prosecution to indicate that the appellant indulged in any other criminal activity or misused the liberty granted to him by this Court. His conduct during the pendency of the appeal appears to have remained satisfactory and free from any adverse antecedents. The same reflects a reformative tendency on the part of the appellant and suggests that he has consciously chosen the path of reformation and lawful conduct for his future.

13. In view of the above, this Court is of the opinion that sufficient mitigating circumstances exist in the present case and the same call for interference and modification in the sentence, under the above peculiar circumstances.

14. Taking into consideration the facts relied upon by the appellant, I thus deem it appropriate to **partly allow the present appeal**. While maintaining the judgment of conviction, the order of sentence is modified. The sentence awarded by the Special Judge, Fatehgarh Sahib, vide order dated 10.04.2012, is modified and reduced to the period already undergone.

15. All the pending miscellaneous application(s), if any, are also disposed of.

MAY 04, 2026

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No