

2026:PHHC:041023



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRA S-2950-SB of 2009

Date of Decision: 16.03.2026

Pardeep Singh and another

...Appellants (s)

Vs.

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Manjot Kaur, Advocate for the appellants.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement and order dated 25.11.2009 passed by the Special Court, Patiala, whereby, the appellants were ordered to be convicted for the commission of the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') Act and they were sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5000/-, alongwith default stipulation.

2. The brief facts of the present case are that on 15.08.2006, ASI Deva Singh along with other police officials including HC Sahib Singh and HC Paramjeet Kumar were holding *nakabandi* at T-Point the of village Hamjhari and were checking vehicles. At about 3.30 p.m., Ram Singh son of Arjan Singh, police officials, came there and started talking with him and also checked his scooter. In the meantime, one Santro car bearing registration No. DL-1CG-7880 came from the side of

village Moonak. The police party then signalled to stop it. Two clean shaven persons were sitting in it. IO asked them that he intended to search the vehicle. IO also disclosed his identity to those persons as ASI of Police Station, Patran. The driver of the car disclosed his name as Partap Singh son of Bhim Singh and other occupant of the car disclosed his name as Pardeep Singh. Therefore, the IO checked the vehicle on suspicion and from search of Diggy of car, one Polythene envelope had fallen and it was containing contents of black colour. Thereafter the IO asked the accused that he suspected contraband polythene envelope and as such, he intended to search them, car and envelope of polythene and they were apprised about their right to get the search conducted in the presence of some Gazetted Officer or Magistrate. Thereafter, the accused persons disclosed that there was opium in that polythene envelope and both of them have full confidence on the IO. The IO then recorded the consent statement (Ex.PB) of both the accused persons, which was read over to them and they signed the same after admitting its correctness and it was attested by PW Ram Singh and HC Paramjeet Kumar. Thereafter, the IO conducted search of polythene envelope and *Opium* was recovered from it and on measurement, it came to be 1 Kg. Two samples of 5 gram each were separated from it and converted into parcels. Both the sample parcels and bulk opium were sealed with the seal of IO bearing seal impression 'DS'. Sample seal (Ex.P1) was separately prepared. Seal after use was handed over to PW Ram Singh. The case property was taken into police possession vide recovery memo (Ex.PC) attested by the witnesses. The car, RC and driving licence were

taken into possession vide separate recovery memo (Ex. PD), signed by the witnesses. From personal search of accused Pardeep Singh, two currency notes of Rs.100/- each were recovered and from personal search of accused Partap Singh, nothing was recovered and memo (Ex.PE) was prepared in this regard, signed by the accused and attested by the witnesses. Arrest memo and information about the arrest (Ex.PF) was prepared and attested by the PWs. Thereafter, *ruka* (Ex.PG) was sent to the police station, on the basis of which, formal FIR (Ex.PG/1) was registered. IO then prepared the site plan (Ex.PH) of the place of recovery with its correct marginal notes and also recorded the statements of the witnesses.

3. During the course of investigation, the case property was sealed by the IO with his own seal bearing impression 'JS' and was deposited with MHC Nishan Singh. Thereafter, the case property was produced before the Magistrate on the next day and he also verified the seals on the case property and the samples slip. On return to the police station, the case property was re-deposited with MHC Nishan Singh in intact condition. After completion of necessary investigation, the *challan* against the appellants was presented before the Court.

4. The trial Court found that a *prima facie* case under Section 18 of the NDPS Act was made out against the appellants, and they were ordered to be charge-sheeted accordingly. The appellants pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution examined five witnesses, PW1 HC Nishan Singh, PW2 HC Paramjeet Kumar, PW3

C-II Chander Bhan, PW4 SI Deva Singh, the IO of the case and PW5 SI Jagbir Singh. Thereafter, the prosecution evidence was closed.

6. After the closure of the prosecution evidence, the entire incriminating evidence was put to the appellants in their statements recorded under Section 313 Cr.P.C. However, they pleaded their false implication and stated that without a recovery, a false case has been planted on them.

7. During the course of arguments, learned counsel for the appellants submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the appellants.

8. Even though learned counsel for the appellants does not wish to challenge the conviction, however, this Court has considered the case on merits.

9. In the present case, the prosecution examined PW1 HC Nishan Singh, who duly supported the case of the prosecution. Still further, PW2 HC Paramjeet Kumar and PW4 SI Deva Singh proved the recovery of the contraband from the possession of the appellants. They also proved that both the appellants were carrying the contraband in their conscious possession and it was seized from them. After seizure, the samples were taken out and the case property was duly sealed with the seal of the I.O. Thereafter, the case property was sealed with another seal of SHO also. The entire case property was produced before the MHC, who kept the case property intact in his possession. The prosecution examined PW1 HC Nishan Singh, who clearly stated that

till the case property was transported from Malkhana to FSL, it remained intact. The prosecution further examined PW5 SI Jagbir Singh, who stated that the case property along with samples, car, witnesses and accused were duly produced before him by ASI Deva Singh and, thereafter, he inquired from witnesses and interrogated the accused. He had also sealed the case property and the samples with his seal impression 'JS'. Thus, from the prosecution evidence, it was clear that both the appellants were carrying one kilogram *opium* in their car and recovery was effected from them after completing mandatory provisions of NDPS Act. Even the link evidence was also complete and the prosecution had not violated any provisions with regard to search and seizure as well as with regard to keeping the case property intact in police station. Even, the search was conducted by the police officials and there is nothing on record to suggest that they were inimical towards both the appellants. Even I have carefully gone through the findings recorded by the trial Court and find no grounds to interfere with the same. Consequently, it can be safely concluded that the appellants were rightly convicted for the offence punishable under Section 18 of the NDPS Act.

10. Now, advertent to the quantum of sentence, this Court is not oblivious of the fact that both the appellants are first offenders. Even the sentences imposed on the appellants were ordered to be suspended by this Court vide order dated 21.05.2010 and even after that, both the appellants had maintained good conduct and were not involved in any other criminal activity. Apart from that, the appellants had also

undergone the actual custody for 7 months and 16 days out of total sentence of 3 years. Moreover, the appellants are also facing the agony of investigation, trial and appeal since 15.08.2006, i.e., for the last more than 19 years. Thus, no purpose will be served by sending both the appellants behind the bars after such a long period and in the considered opinion of the Court, it would be appropriate to reduce the sentence imposed on the appellants to the period already undergone by them.

11. With the above modifications, the appeal is partly allowed and the impugned judgement and order dated 25.11.2009 passed by the Special Court, Patiala, is upheld whereas the order of sentence is modified to the extent that the sentence imposed on the present appellants is reduced to the period already undergone by them. The sentence of fine will remain the same.

12. All pending applications, if any, are disposed off, accordingly.

13. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

16.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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