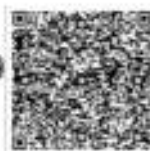


2026.PHHC.073839



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA S-1868-SB-2011

Date of Decision: 07.05.2026

Pardeep and another

...Appellant (s)

Vs.

State of Haryana

...Respondents(s)

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

Present : Mr. Surender Saini, Advocate
for the appellants.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction dated 07.07.2011 and order of sentence dated 08.07.2011 passed by the Court of Additional Sessions Judge, Sonapat, whereby, the appellants were held guilty for the commission of offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and were sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.3,000/- each alongwith default stipulation.

2. The facts of the prosecution in brief, are that on 15.07.2008 ASI Subhash Chander along with ASI Suresh Chand, EHC Ramesh Chand and Constable Hanif were present at G.T.Road Ganaur Chowk in connection with patrolling duty. At that time a secret information was received that the owner of Shokey Vaishano Dhaba G.T.Road village

Teha sells poppy husk and if a raid was conducted, he could be apprehended with a heavy quantity of poppy husk. Subsequently, ASI Subhash Chander sent a message regarding receipt of secret information through Constable Hanif in writing to P.S.Ganaur, on the basis of which DDR No.31 dated 15.07.2008 was recorded. He also prepared the raiding party consisting of ASI Suresh Chand and EHC Ramesh Chand and reached the said Dhaba. Two persons were present there, but on seeing the police they tried to escape. They were holding plastic bags in their hands. With the help of other police officials, both the persons were apprehended and on enquiry they disclosed their names Pardeep son of Daya Nand and Sunil son of Jagat Singh. On suspicion that those persons were in possession of the Narcotic substances, notice under Section 50 of the Act was served upon them apprising them of their right to be searched either from a Gazetted Officer or a Magistrate. The said persons opted to be searched before DSP Ganaur. Accordingly DSP Shri Badri Parsad was contacted, who reached the spot at 06.00 p.m. He verified the facts of the case and conducted the search. From the plastic bag held by accused Sunil, poppy husk was recovered, which was 14 kg in weight. Similarly, on conducting the search of Pardeep, poppy husk was recovered from the plastic bag held by him and on weighing it was found 14 kg. Samples of 250 grams each from the recovered poppy husk was taken. The samples were sealed and the remainder was put into three separate sealed parcels with the seal bearing 'SC'. DSP Badri Parsad also affixed his own seal of 'BP' on the remainder and on the

sealed parcels. The seal after use was handed over to ASI Suresh Chand. The remainder and the sample parcels were taken in police custody.

3. EHC Ramesh Chand was sent to the police station along with *ruqa* for registration of the FIR. Rough site plan was prepared. Statements of the witnesses were recorded. Thereafter the accused along with case property and the witnesses were produced before Shri Mahender Singh ASI SHO P.S.Ganaur. He verified the facts of the case and affixed his own seal bearing inscription 'MS' on the remainder and the sealed parcels. On his direction the case property was deposited with the MHC of P. S. Ganaur and the accused were lodged in the lock up. On the next day, the sealed parcels were taken from MHC and along with accused were produced before the SDJM, Ganaur for compliance of Section 52-A of the NDPS Act. After completion of investigation, report under Section 173 Cr.P.C. was presented in the Court.

4. During the course of trial, the trial Court found a *prima facie* case under Section 15 of the NDPS Act and the appellants were charge-sheeted accordingly. However, they pleaded not guilty to the charge and claimed trial.

5. To prove the charge, the prosecution examined PW1 Constable Sumit Kumar, PW2 Constable Hanif, PW3 ASI Suraj Bhan, PW4 HC Sunil Kumar, PW5 ASI Mahender Singh, PW6 Constable Suresh Kumar, PW7 ASI Subhash Chander, PW8, DSP Badri Parsad, PW9 ASI Suresh Chander, PW10 Sultan Singh, SHO, PW11 Constable Satpal Singh, PW12 Shri R.K.Jain, CJM Rewari and PW13 Jagdish Sharma and, thereafter, the evidence of the prosecution was closed.

6. After closure of the prosecution evidence, the statements of the appellant under Section 313 Cr.P.C., were recorded, wherein, they denied all the allegations and claimed trial. No defence evidence was led.

7. At the very outset, learned counsel for the appellants submits that he does not wish to challenge the judgement of conviction passed against the appellants by the trial Court, however, some leniency may be shown while awarding the sentence on them. Even though, learned counsel for the appellants has not challenged the judgement of conviction, still, this Court has considered the case on merits.

8. Learned State counsel submits that the appellants do not deserve the concession regarding sentence and the present appeal be dismissed.

9. I have heard learned counsel for the parties and perused the record carefully.

10. In the present case, the prosecution examined PW1 Constable Sumit Kumar, who tendered into evidence his affidavit Ex.PA in support of the prosecution case. PW2 Constable Hanif deposed with regard to the receipt of secret information, constitution of raiding party and preparation of memo Ex.PB. PW3 ASI Suraj Bhan proved the registration of formal FIR Ex.PC on receipt of *ruqa* and also proved preparation of special reports. PW4 HC Sunil Kumar tendered his affidavit Ex.PD into evidence. PW5 ASI Mahender Singh deposed that the accused along with the case property and sample parcels were produced before him and he verified the facts. He also affixed his seal

‘SK’ on the parcels and prepared report under Section 57 of the NDPS Act Ex.PE. PW6 Constable Suresh Kumar stated that he delivered the special reports to the Ilaqa Magistrate and higher police officials without any delay. PW7 ASI Subhash Chand, Investigating Officer of the case, reiterated the prosecution version. PW8 DSP Badri Parsad corroborated the testimony of the Investigating Officer and stated that the search and recovery proceedings were conducted in his presence, during which 14 kg poppy husk was recovered from each accused.

11. The prosecution further examined PW9 ASI Suresh Chander, member of the raiding party, who supported the prosecution case and proved notice under Section 50 of the NDPS Act Ex.PF. PW10 Sultan Singh, SHO stated that after completion of investigation, he prepared the report under Section 173 Cr.P.C. The prosecution further examined PW11 Constable Satpal Singh who deposed that photographs of the accused and the case property were taken before the trial Court on 16.07.2008. PW12 Shri R.K. Jain, the then SDJM, Ganaur, proved the proceedings conducted under Section 52-A of the NDPS Act. PW13 Jagdish Sharma, Mohrar Malkhana, stated regarding deposit of sealed sample parcels and remainder parcels bearing seals ‘SC’, ‘BP’ and ‘SK’ in the *malkhana*. I have carefully gone through the evidence led by the prosecution and it is apparent from the evidence that the appellants had committed the offence under Section 15 of the NDPS Act. Even from the testimonies of the various prosecution witnesses, it was also proved that while effecting the recovery, the mandatory provisions of the NDPS Act were complied with and no illegality in the process of search and

seizure has been pointed out by the learned counsel for the appellants. Thus, the appellants have been rightly convicted for commission of the offense punishable under Section 15 of the NDPS Act. Even otherwise, I have carefully gone through the judgment passed by the trial Court and find that the same does not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of conviction is ordered to be upheld.

12. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the appellants are facing the agony of criminal prosecution/trial since 15.07.2008, i.e. for the last more than 17 years. Even, all the appellants have undergone 01 month and 24 days of actual custody out of the substantive sentence awarded to them. Furthermore, the sentence awarded to the appellants was ordered to be suspended by this Court on 18.07.2012 and since then they have remained on bail and have not misused the concession of bail in any manner and maintain good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on them is reduced to the period already undergone by them.

13. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction dated 07.07.2011 and order of sentence dated 08.07.2011 passed by the Court of Additional Sessions Judge, Sonapat, are upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them. However, the sentence of fine will remain the same.

14. Pending applications, if any, stand also disposed of, accordingly.

07.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No