



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

384

CRA-S-2139-SB-2011

Date of decision: 12.03.2026

GURMEET SINGH

.....Appellant

VERSUS

STATE OF PUNJAB

.....Respondent

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

Present: - Mr. D.S. Gill, Advocate for the appellant.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This is an appeal against the judgment of conviction and order of sentence dated 07.07.2011 passed by the Judge, Special Court, Sri Muktsar Sahib whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment of two years and to pay fine of Rs. 20,000/- and in default of payment of fine to further undergo RI of three months for commission of offence under Section 15 of the N.D.P.S. Act, 1985 in case bearing FIR No. 197 dated 07.07.2005 registered under Section 15 of the NDPS Act, 1985 at Police Station Gidderbaha.

2. Briefly stated, as per the case of the prosecution on 07.07.2005, Ram Parkash, along with other Police officials, was going from Malout to Lambi bypass for patrolling. When they crossed the railway line and reached

the katcha path leading to village Tharajwala, they noticed a person sitting in the cotton fields with an open plastic bag. On seeing the police, he became perplexed and tried to run away, but he was apprehended. On inquiry, the person disclosed his name as Gurmeet Singh, resident of village Lakkarwala. The plastic bag in his possession was checked and found to contain poppy husk. The accused was informed of his legal right to have his search conducted before a Magistrate or Gazetted Officer, but he expressed confidence in the police officer and consented to the search. During the search, 20 kilograms of poppy husk along with a glass tumbler were recovered from the plastic bag. Out of the recovered poppy husk, 250 grams was taken as a sample, sealed separately, and the remaining poppy husk was also sealed. Necessary documents such as the consent memo, recovery memo, and Form M-29 were prepared. Since the accused could not produce any license or permit for possessing the poppy husk, a case was registered against him under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The accused was arrested and the case property was deposited with the SHO and later produced before the SDJM, Malout, who verified the inventory and sealed the case property. The sample was then sent to the Chemical Examiner, Punjab, Chandigarh. After receiving the report and completing the investigation, the challan was presented in the court against the accused under Section 15 of the NDPS Act.

3. On presentation of the challan against the appellant before the competent Court, copies of the same were supplied to the appellant. The appellant was charge-sheeted accordingly to which, he pleaded not guilty and claimed trial.

4. After the parties led their respective evidence and upon conclusion of the trial, the appellant was held guilty and sentenced accordingly by the trial Court. Aggrieved thereof, the present appeal has been instituted.

5. At the outset, learned Counsel appearing on behalf of the appellant submits that he doesn't want to challenge the judgment on merits and confines his prayer and arguments only to the quantum of sentence awarded. He contends that appellant's sentence was suspended vide order dated 05.12.2011. He contends that the FIR in the present case had been registered in the year 2005 and already a period of more than 20 years has lapsed since then. The appellant has faced agony of protracted criminal proceedings for more than 20 years and has already undergone an actual sentence of more than six months out of the total sentence of 02 years. It is further contended that there is nothing on record to suggest that appellant has misused the concession of suspension of sentence that was awarded to him.

6. 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 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.

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

8. Since the appellant has given up the challenge to the judgment of conviction on merits, hence, 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.

9. The Hon'ble Supreme Court in the matter of **Pramod Kumar Mishra Vs. State of UP (2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and individual redemption.

10. The fundamental purpose of imposition of sentence is based upon making an accused realize the consequences of the crime committed by him and the creation of the dent in the life of the victims and also the social fabric. The same by itself does not oblige the Court to extend opportunity to a convict for reforming himself. The principles of proportionality have to be

balanced and the impact of the offence on the society as a whole and its ramifications on the victim and the immediate collectives also has to be examined.

11. A nine judge bench of the Supreme Court of the United States, in **Dennis Councle McGautha v. State of California reported as 402 U.S. 183 (1971)**, observed that the criteria governing sentencing neither furnish an exhaustive list of relevant considerations nor indicate how various circumstances should influence the decision-making process. In essence, these standards merely suggest broad areas for consideration and underscore the inherent difficulty in formulating uniform sentencing principles, particularly in matters of grave offences. The Court further cautioned against rigidly prescribing or mandating uniform standards for sentencing, emphasizing that the principles governing punishment must depend upon the facts and circumstances of each individual case, and that no straightjacket formula can be universally applied.

12. On the issue of reduction of sentence to the period already undergone, the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal, (2021) 4 SCC 483**, is being referred to wherein the accused was convicted under Section 20 of the Act and Hon'ble Apex 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.

13. The Hon'ble Supreme Court in **Satish @ Sabbe vs. State of U.P., (2021) 14 SCC 580**, had observed that, "*Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free*

roaming criminals creating havoc in the lives of ordinary peace-loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future". [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

14. The case in hand is yet another where interest of justice would warrant a reformatory approach in precedence to a punitive or retributive approach. It is not the function of the judges to seek the transformation of human nature itself, but rather to shape the framework within which individuals perceive that adherence to the law aligns with their own best interests.

15. Adverting to the facts of the present case and the mitigating circumstances as pointed out by counsel for the appellant, it is established that the appellant has undisputedly faced agony of criminal trial for a period of 20 years. Besides, he has already undergone an actual custody of more than six months out of the total sentence of two years. The appellant is a Labourer and has old parents to take care of. There is also no material to show that the appellant has indulged in any other criminal activity after his release on bail. He has thus shown a reformatory tendency.

16. 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.

17. Taking into consideration, the facts relied upon by the appellant, I thus deem it appropriate to **partly allow the petition**. While maintaining the judgment of conviction, the order of sentence is modified. The sentence awarded by the Judge, Special Court, Sri Muktsar Sahib, vide order dated 07.07.2011 is modified and reduced to the period already undergone.

MARCH 12, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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