

2026.PHHC:062591



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

222

**CRA S-2450-SB-2011**

Date of Decision: 23.04.2026

Sain Singh Rawat

...Appellants (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Satnam Singh Gill, Advocate, for the appellant.

Mr. Charanpreet Singh, AAG, Punjab.

**N.S.SHEKHAWAT, J. (Oral)**

1. The appellant has filed the present appeal against the impugned judgement of conviction and order of sentence dated 19.09.2011 passed by the Court of Special Judge, Fatehgarh Sahib, whereby, the appellant was held guilty for the commission of offence punishable under Section 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and was sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/- alongwith default stipulation.

2. The FIR in the present case was registered on the basis of statement made by PW5 SI Balwinder Singh, who stated that on 02.10.2009, he alongwith HC Harbhajan Singh PW4 and other police officials were present near Gurudwara Biwargarh in connection with patrol duty and checking of bad elements. At about 06:40 a.m, the appellant was spotted coming from the side of village Mahaddian and

was having one plastic bag on the back of his shoulder. On seeing the police party, appellant tried to turn towards left side. On suspicion he was apprehended. On inquiry he revealed his name as Sain Singh son of Moti Ram r/o Uttranchal. After disclosing his identity, IO, SI Balwinder Singh PW-5 apprised the appellant of his suspicion that the appellant was carrying some contraband in his possession and he wanted to search the appellant. The appellant was apprised of his legal right to get the search conducted in the presence of a Magistrate or Gazetted Officer. The appellant, however, consented for being searched by IO SI Balwinder Singh. Accordingly memo of his consent Ex.PB was prepared which was signed by the appellant in English, signed by the witnesses namely HC Harbhajan Singh and HC Baljit Singh. Efforts were made to join independent witnesses but none obliged. Thereafter search of the plastic bag was conducted and poppy husk was recovered from the said plastic bag. The appellant could not produce any license or permit for keeping the contraband in his possession. Two samples of 250 grams each were taken and were converted into parcels whereas the remaining on measurement came to be 7 Kg 500 Gms of poppy husk, which was also converted into a parcel. All the parcels were sealed by PW-5 SI Balwinder Singh with his seal bearing impression 'BS'. Separate sample chit Ex.PA was prepared and seal after use was handed over to HC Harbhajan Singh. The recovered contraband was taken into possession vide recovery memo Ex.PC. Memos was signed by HC Harbhajan Singh and HC Baljit Singh as witnesses. Ruqa Ex.PF was sent through HC Baljit Singh on the basis of which formal FIR Ex.PF was recorded by

ASI Inderjit Singh. The personal search of appellant was also conducted vide memo Ex.PD and currency notes amounting to Rs.110/- were recovered. Arrest memo Ex.PD was also prepared. Memos were signed by appellant in English and were signed by HC Harbhajan Singh as witness. Rough site plan of the place of recovery Ex.PG was also prepared by the IO SI Balwinder Singh. The appellant and case property were produced by SI Balwinder Singh IO before SI Naseeb Singh SHO who verified facts of the case from appellant and affixed his seal bearing impression 'NS' on the case property and deposited the case property with MHC Jagdish Singh. The IO proved the case property second sample as MO-1, bulk as MO-2 and currency notes as MO-3.

3. After the presentation of the *challan*, the trial Court found that a *prima facie* case under Section 15 of the NDPS Act was made out against the appellant and he was charge-sheeted accordingly. However, the appellant pleaded not guilty and claimed trial.

4. In support of the prosecution case, the prosecution examined five witnesses and, thereafter, the prosecution evidence was closed by Court order.

5. After recording of the prosecution evidence, the statement of the appellant was recorded under Section 313 Cr.P.C. and the entire incriminating evidence appearing against him was put to him. However, he pleaded that he had been falsely implicated in the present case. No defence evidence was led by the appellant before the Court.

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

7. Learned State counsel submits that the appellant does not deserve the concession regarding sentence and the present appeal be dismissed.

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

9. In the present case, the prosecution case was primarily based on the testimony of PW2 MHC Jagdish Singh. PW2 MHC Jagdish Singh and PW3 Constable Jatinder Singh proved on record that there was no dent in the link evidence. Further, the report of chemical examiner Ex. PJ was received which would clearly show that the contraband recovered from the petitioner was poppy husk. The prosecution further examined HC Harbhajan Singh as PW4, who had witnessed the recovery in the present case. He stated that 08 kilograms of poppy husk was recovered from the present appellant and he was in conscious possession of the contraband. His statement has been duly corroborated by the testimony of PW5 SI Balwinder Singh, who was the IO of the present case. He not only proved the recovery but also the investigation conducted in the present case. All the witnesses of the prosecution were examined at length, however, their testimonies could

not be shattered in any manner. Thus, there was sufficient evidence to show that the appellant had committed the offence under Section 15(b) of the NDPS Act and the trial Court had rightly convicted him. Even otherwise, I have carefully gone through the judgment passed by the learned 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.

10. Now advertent to the order on quantum of sentence, this Court is conscious of the fact that the appellant is facing the agony of prosecution/trial since 02.10.2009, i.e., for the last more than 16 years. Even the appellant at present is aged more than 53 years and is the sole bread-earner of the family. Apart from that, he was sentenced to undergo rigorous imprisonment for a maximum period of two years and as per his custody certificate, he has already undergone 03 months and 20 days of actual custody. Moreover, he is the first-time offender. Further, the sentence imposed on the appellant was suspended by this Court on 23.11.2011 and in the last more than 14 years, he has maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction and order of sentence dated 19.09.2011 passed by the Court of Special Judge, Fatehgarh Sahib, is upheld, whereas, the sentence imposed on the

appellant is reduced to the period already undergone by him. However, the amount of fine imposed on them shall remain same.

12. The case property, if any, may be dealt with as per the rules.
13. Pending applications, if any, stand also disposed of, accordingly.

23.04.2026  
amit rana

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

(N.S.SHEKHAWAT)  
JUDGE