

2026.PHHC.073717



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

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CRA S-3372-SB-2011

Date of Decision: 06.05.2026

Ranjit Kumar

...Appellant (s)

Vs.

State of Punjab

...Respondents(s)

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

Present : Ms. Dheerja, as Legal Aid Counsel
for the appellant.

Mr. A.K. Walia, 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 dated 04.10.2011 and order of sentence dated 05.10.2011 passed by the Special Court, Jalandhar, whereby, the appellant was held guilty for the commission of offence punishable under Section 21 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and was sentenced to undergo rigorous imprisonment for a period of four years and to pay a fine of Rs.10,000/- alongwith default stipulation.

2. On 27.11.2010, ASI Atamjit Singh, along with HC Amrik Singh and other police officials were going for patrolling from Nakodar to Jandiala. When the Police party reached a little ahead of Nakodar accused Ranjit Kumar aforesaid was seen coming from opposite side on

foot and on seeing the police party he became nervous and took out one polythene envelope from the pocket of his trouser and tried to throw it on the ground but was immediately nabbed in the same position by ASI Atamjit Singh with the help of his companions. The accused was interrogated about his profile. On search of polythene bag carried by the accused 200 grams of smack was recovered. Two samples each of 10 grams of smack were taken out in two separate boxes and their parcels were prepared. The residue 180 grams was put into a separate box and its parcel was also prepared. All the parcels were sealed by ASI Atamjit Singh with his seal of mark AS and he prepared sample of his seal Ex-P1 and pasted the same on CFSL form Ex-PX. Seal after use was given to HC Amrik Singh. The case property was taken into possession vide seizure memo Ex-P6 attested by HC Amrik Singh and HC Gurnam Singh. Ruqa Ex-P7 was sent to the police station on which basis FIR Ex-P8 was registered. ASI Atamjit Singh prepared site plan Ex-P9 of the place of recovery. Rs.50/- were recovered from the personal search of accused regarding which memo Ex-P10 was prepared. The accused was arrested vide arrest cum intimation memo Ex-P11 which was signed by the accused and attested by above said two head constables. ASI Atamjit Singh recorded statements of witnesses at the spot.

3. On return to the police station ASI Atamjit Singh produced the accused and the case property before officiating SHO SI Avtar Singh who verified the facts and affixed his seal on all three parcels and prepared sample of his seal on Ex-P2 and pasted the same on Ex-PX.

The case property was deposited with MHC Mohinder Pal. On the next

day the officiating SHO/SI Avtar Singh accompanied by ASI Atamjit Singh acquired the custody of the accused and the case property from the MHC and produced the same before the learned Magistrate by moving application Ex.P3 and the learned Magistrate passed order Ex.P4. On return to the Police Station the case property was re-deposited with the MHC with seals intact. Parcel of bulk smack MO1 and that of second sample parcel MO2 were produced in the court. The sample parcel and samples of seals were sent to the office of Chemical Examiner and on receipt of report of Chemical Examiner Ex.PZ, the accused was *challaned* to face trial under section 21 of the Act by presenting report under Section 173 Cr.P.C.

4. During the course of trial, the trial Court found a *prima facie* case under Section 21(b) of the NDPS Act and the appellant was charge-sheeted accordingly. However, he pleaded not guilty to the charge and claimed trial.

5. To prove the charge, the prosecution examined PW1 Avtar Singh, PW2 Atamjit Singh, PW3 MHC Mohinder Pal, PW4 HC Amarjit Singh and PW5 HC Amrik Singh and, thereafter, the evidence of the prosecution was closed.

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

7. At the very outset, learned counsel for the appellant submits that he does not wish to challenge the judgement of conviction passed

against the appellant by the trial Court, however, some leniency may be shown while awarding the sentence on them. Even though, learned counsel for the appellant has not challenged the judgement of conviction, still, this Court has considered the case on merits.

8. Learned State counsel submits that the appellant does 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 had examined PW2 ASI Atamjit Singh, who had proved the recovery of the contraband in the present case. Even his statement supported by HC Amrik Singh, who also stated that 200 grams of smack was recovered from the conscious possession of the appellant in the present case. Further, PW3 MHC Mohinder Pal had sent the sample parcel and sample seal to the office of chemical examiner through PW4 HC Amarjit Singh and the report of the chemical examiner Ex.PZ was received. Still further, PW1 Avtar Singh, Inspector/SHO also stated that the case property was produced before him by the Investigating Officer on 27.11.2010 and he put his seal of mark 'AS, on such parcels and then handed over the accused and the case property to the Investigating Officer for depositing the case property with MHC. He has further testified that on the next day he produced the case property before the learned Magistrate by moving application Ex.P3 and the learned Magistrate passed the order Ex.P4. On return to the Police Station the case property was re-deposited with the

MHC with seals intact. Parcel of bulk smack MO1 and that of second sample parcel MO2 were produced in the in the Court. From the evidence led by the prosecution, it was proved that the appellant found in conscious possession of 200 grams of smack without holding of any valid license or permit and had committed the offence under Section 21(b) of the NDPS Act.

11. Now adverting to the order of sentence, this Court cannot lose sight of the fact that the appellant is facing the agony prosecution/trial since 27.11.2010, i.e., for the last more than 15 years. Even, he has undergone more than 05 months of actual custody out of the total sentence awarded to him, as per custody certificate. Furthermore, the sentence of the appellant was suspended on 21.08.2012 and he has remained on bail for the last about 14 years without any misuse of the concession of bail and 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.

13. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction dated 04.10.2011 and order of sentence dated 05.10.2011 passed by the Special Court, Jalandhar, are upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

14. The fee of Ms. Dheerja, learned legal aid counsel, who assisted the Court on behalf of the appellant is assessed at Rs. 20,000/-.

The fee shall be paid by the Secretary, High Court Legal Services Committee.

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

06.05.2026			(N.S.SHEKHAWAT)
amit rana			JUDGE
	Whether reasoned/speaking	:	Yes/No
	Whether reportable	:	Yes/No