

**CRA-S-956-SB-2016 (O&M)**

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

CRA-S-956-SB-2016 (O&M)

Date of decision: 10.02.2026

JARNAIL SINGH

...APPELLANT

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajeev Sharma, Legal Aid Counsel (HCLSC)
for the appellant.

Mr. Rahul Kumar Adia, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present appeal is to the judgment/order dated 04.01.2016, passed by the learned Judge, Special Court, Sangrur, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for one year alongwith fine of Rs.5,000/- and in default of payment of the same, to further undergo rigorous imprisonment for three months, for the offence punishable under Section 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. The factual matrix reveals that on 13.08.2012, when SI Hardial Dass alongwith other police officials were on government vehicle for checking bad elements and reached near the phirni of Gobindpura Nagri one Harmesh Lal joined the police party. Thereafter, the police party reached near bridge of canal minor in the area of Gobindpura Nagri, appellant carrying a white envelope was seen coming. On suspicion he was apprehended and 500 grams



of opium was recovered. The requisite samples were drawn and sealed. *Ruqa* was sent, on the basis of which, an FIR was registered.

3. After the investigation concluded, the police submitted the final report in terms of Section 173 Cr.P.C. The Court, upon finding a prima facie case, proceeded to frame charge under Section 18(c) of the Act. The accused, however, pleaded not guilty and insisted on trial.

4. The prosecution, in support of its version, examined 6 witnesses, after which the statement of the accused was recorded under Section 313 Cr.P.C., wherein the accused denied incriminating evidence, while pleading innocence and alleged false implication. In defence, DW1 Lakhvir Singh was examined.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellant as noticed above.

6. Hence appellant in appeal.

7. Learned counsel for the appellant, at the very outset, gives up challenge to the conviction and prays for reducing the sentence awarded to him to the period already undergone, it being 11 months and 3 days, on the ground that he is aged, being 55 years (as per MOP); has already undergone almost the entire sentence; never misused the concession of bail and has been facing the agony of protracted trial since 2012.

8. Per contra, learned State counsel submits that the trial Court after evaluating the evidence has rightly convicted the appellant and the sentence awarded to him cannot be said to be excessive, therefore, he prays for the dismissal of the present appeal. He, however, was unable to deny that appellant has undergone almost the entire sentence.



9. Counsel on either side heard and the record perused.

10. As is discernible from the impugned judgment, PW2-ASI Hardial Dass, PW5-HC Suresh Kumar and PW6-HC Narinder Singh and PW4-ASI Rajinder Kumar had deposed that the accused-appellant was apprehended and found to be in conscious possession of the alleged contraband. As per Chemical Examiner report Ex.PK, the contents of contraband were found to be 'Opium'. Thus, the trial Court has rightly convicted the appellant and there is no scope for interference in the findings recorded therewith and the conclusion arrived at. As such, his conviction is upheld.

11. 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, can be referred to, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme 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.

12. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court 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]”.

13. Likewise, in **Naresh Kumar vs. State of Haryana**, CRA-S-796-SB-2005, decided on 24.02.2023, the sentence of the appellant i.e. 3 years and 6 months, convicted under Section 15 of the Act, was modified to the period undergone i.e. 8 months and 25 days already, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time. The Co-ordinate Bench in **Balwinder Singh vs. State of Haryana**, CRA-S-2940-SB-2011, decided on 13.10.2025, wherein also the sentence awarded was 4 years for offence under Section 18(C) of the NDPS Act, which was ordered to be undergone on account of mitigating circumstances, being his age of 50 years, no other case against him, protracted trial of 16 years and offence of the year 2009.

14. Keeping in view the mitigating circumstances as brought out by the learned counsel, it would serve the ends of justice to reduce the sentence of the appellant to the period already undergone, however, keeping the fine intact.

15. The order of sentence dated 04.01.2016 is modified to the aforesaid extent and as such, the present appeal stands partly allowed.

February 10, 2026

M.Kamra

(AMAN CHAUDHARY)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No