



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

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**CRA-S-4755-SB-2015
Date of decision: 11.02.2026**

NARANG SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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

Present: - Mr. Vicky Sharma, Advocate for
Mr. K.S. Dhaliwal, Advocate
for the appellant.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This is an appeal against the judgment of conviction and order of sentence dated 30.09.2015 passed by the Judge, Special Court, Sangrur whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment of two years and to pay fine of Rs. 15,000/-(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. 83 dated 27.06.2012 registered under Section 15 of the NDPS Act, 1985 at Police Station Dirba, District Sangrur.

2. Briefly summarized, facts of the present case are that on 28.06.2012, police party headed by ASI Gurmeet Singh was proceeding from Village Dirba to Village Karial when Bhola Singh joined them on the way. At about

6:45 A.M., upon reaching the canal bridge in the area of Village Dirba, the appellant was found handling a gunny bag placed under trees and, on seeing the police party, he attempted to flee but was apprehended. Upon checking, 35 kilograms of poppy husk was recovered from the gunny bag along with a plastic container. Two samples of 250 grams each were drawn, and the sample parcels as well as the bulk were sealed with seal bearing impression 'GS'. Ruqa was sent to the police station on the basis of which FIR was registered. Thereafter, the case property was produced before the SHO, who affixed his seal bearing impression 'KK', and the same was deposited in the Malkhana. One sample parcel was sent to the Chemical Examiner, Kharar for analysis. After receipt of the report and completion of investigation, challan was presented before the Court.

3. Upon receipt of the report of the Chemical Examiner and consequent completion of the investigation, the challan against the appellant was presented before the competent Court. Copies of the same were supplied to the appellant as per laws.

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 for 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 4.12.2015. He contends

that the appellant is a poor person and the only bread earner of his family. The FIR in the present case had been registered in the year 2012 and already a period of 13 years has lapsed since then. The appellant has faced agony of protracted criminal proceedings for more than 13 years and has already undergone 04 months and 21 days of actual sentence. It is further contended that appellant is a first time offender and has no other criminal antecedents and 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 petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through cogent, reliable, and convincing evidence brought on record during trial. It is further contended that the offence committed by the petitioner 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. Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.

13. The penal consequences, in such circumstances, deserve to be moderated to ensure a balance of equities, particularly when the offender has exhibited genuine reformatory conduct. The sentence, therefore, warrants suitable modification to reflect recognition and encouragement of such good behaviour.

14. It is well settled that the object of punishment is not merely to deter but also to reform, and where an offender demonstrates sincere remorse and rehabilitation, the emphasis must shift from retribution to reintegration into society.

15. The case in hand is yet another where interest of justice would warrant a reformative 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.

16. 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 is a first time offender with no criminal antecedents. He has undisputedly faced agony of criminal trial for a period of 13 years. Besides, he has already undergone an actual custody of 4 months and 29 days out of a total sentence of 2 years. There is also no material to show that the petitioner has indulged in any other crime after his release on bail. He has thus shown a reformative tendency. He has two children and surely they are of marriageable age. Sending the appellant to custody would impede the matrimonial prospectus of the children. Seemingly, it is for the future of the children that the appellant chose reformation. His past, if confined to ghost and haunt him for the rest of his life would erode the belief that confirmed good conduct is rewarding.

circumstances exist in the present case and the same call for interference and modification in the sentence, under the above peculiar circumstances.

18. 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, Sangrur, vide order dated 30.09.2015 is modified and reduced to the period already undergone. However, the sentence of fine awarded by the trial Courts to a sum of Rs.15,000/- is increased to Rs.20,000/-. He shall undergo the default punishment as prescribed, in an event of non-deposit of fine.

19. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 11, 2026
Vishal Sharma

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