

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:053628



104

CRA-S-1165-2026 (O&M)

Date of Decision: 07.04.2026.

Jota Ram @ Jyoti

...Appellant.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Karan Sachdeva, Advocate for the appellant.

Mr. Navdeep Singh, DAG, Punjab.

SUKHVINDER KAUR, J.

1. By way of this appeal, the appellant has challenged the judgment of conviction and order of sentence dated 25.04.2023 passed by learned Judge, Special Court, Ferozepur, vide which the appellant was sentenced to undergo rigorous imprisonment for a period of one year along with fine of Rs.1,000/- for the offence punishable under Section 22 of NDPS Act and in default of payment of fine to further undergo Rigorous imprisonment for a period of one week and to undergo simple imprisonment for a period of 06 months for the offence punishable under Section 42 of the Prisons Act.

2. Brief facts of this case are that on 01.12.2017, the law was set into motion on the basis of a letter received by SHO Police Station City, Ferozepur from the Assistant Superintendent, Central Jail, Ferozepur, regarding recovery of 115 intoxicant tablets (NEBUSE Plus) from jail

inmate Gurdev Singh during a search conducted in the jail on 29.11.2017 by him. During interrogation, Gurdev Singh disclosed that the aforesaid tablets belonged to co-inmate Jota Ram @ Jyoti. On search of Jota Ram 2(two) intoxicant tablets were recovered. Accordingly, the present FIR was registered against both the accused, who were arrested and produced before the Illaqa Magistrate. The investigation was completed and challan was presented. After trial, the appellant was convicted and sentenced as stated above by the trial Court, hence this appeal has been filed by the appellant, challenging his conviction and sentence.

3. Learned counsel for the appellant submitted that he did not want to challenge the conviction of appellant on merits but so far as sentence part was concerned, he prayed that the same may be reduced to that of already undergone by the appellant. He submitted that the appellant has already undergone the actual sentence of 03 months and 29 days out of the total awarded sentence of one year by the trial Court and a lenient view be taken and the sentence awarded be reduced to that of already undergone.

4. Learned counsel for the State opposed the contentions raised by learned counsel for the appellant. He submitted that the recovery of two intoxicating tablets was duly effected from the appellant and he has been rightly convicted by the trial Court.

5. Learned counsel for the appellant and learned counsel for the State have been heard and the material record has been meticulously examined with their able assistance.

6. Since the appellant has not challenged the judgment of conviction on merits, as such the merits are not being gone into at this stage and it is being restricted to regarding quantum of punishment.

7. The Hon'ble Supreme Court in **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.

8. Hon'ble Supreme Court again reiterated in **Ravada Sasikala v. State of AP reported as AIR 2017 SC 1166**, that law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused. In order to determine the quantum of sentence, Courts should bear in mind the principle of proportionality as awarding punishment is not merely retributive but also reformatory.

9. The perusal of impugned judgment reveals that there is no perversity and evidence on record has been appreciated in the right perspective, but as observed above, the counsel for the appellant has not challenged the conviction on substantive grounds and while limiting his

plea solely to modification of the quantum of sentence to one already undergone.

10. Learned State counsel has produced the custody certificate of the petitioner, as per which the petitioner has already undergone custody of 03 months and 29 days out of awarded substantive sentence of one year.

11. Taking into consideration that the appellant has faced the rigors of a long criminal prosecution and totality of circumstances, it would be appropriate to reduce the sentence imposed on the appellant to the period already undergone by him in the present case.

12. Keeping in view all the abovesaid factors into consideration, the conviction awarded by the learned trial Court to the appellant is upheld and maintained as the same has not been challenged on merits. As far as the sentence part is concerned, this Court deems it appropriate to reduce the sentence from one year to the period already undergone by the appellant.

13. With the above said observations, the appeal stands disposed of.

14. The concerned jail authorities are directed to release the appellant immediately, if not required in any other case.

15. Pending miscellaneous application(s), if any, shall also stand disposed of.

16. The application bearing CRM-14710-2026 for suspension of sentence has been rendered infructuous as the sentence has been reduced to already undergone.

(SUKHVINDER KAUR)
JUDGE

07.04.2026.

Komal

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