

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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2026.PHHC.075830



CRA-S-1706-2026 (O&M)
Decided on: May 14, 2026.

JUGRAJ SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

PRESENT Mr. Harpal Singh Sidhu, Advocate,
for the appellant.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-21297-2026

Application is allowed as prayed for subject to all just
exceptions.

Main case

The instant appeal has been preferred against the judgment of conviction and order of sentence dated 08.04.2026 passed by the Judge Special Court, Moga, in Sessions (NDPS) case bearing No.635/2018 dated 09.10.2018 arising out of FIR bearing No.80 dated 18.06.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act'), registered at Police Station Badhni Kalan, District Moga, whereby the appellant has been convicted for commission of offence under Section 22 of the NDPS Act, for having been found in possession of 200 Glamodol-100SR tablets, 320 X 200/1000 tablets containing 64 grams Tramadol Hydrochloride Salt and vide order of even date has been sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month.

In brief, facts of the prosecution case are that on 18.06.2018 ASI Mangal Singh along with police party riding on private vehicle, were going towards Badhni Kalan, Butter Kalan etc. in connection with patrolling duty and in search of suspected persons. When police party reached near T-Point Rania Road near Miana Palace, Badhni Kalan, there ASI Mangal Singh received secret information that Jugraj Singh, son of Chand Singh, resident of Dhillon Patti, Butter Kalan, now resident of Raoke Road, Rania was habitual of selling intoxicant tablets by roaming in the villages. If raid was conducted at his house in Village Rania, huge quantity of intoxicant tablets could be recovered. Finding the information

to be reliable, ASI Mangal Singh sent ruqa for registration of the case to Police Station, through PHG Kashmir Singh, on the basis of which, FIR was registered.

Thereafter IO/ASI Mangal Singh along with police party proceeded towards the disclosed place and when he reached near the gate of house of Jugraj Singh, they found one person carrying black colored polythene envelope in his right hand. He was apprehended. During interrogation, said person disclosed his name as Jugraj Singh son of Chand Singh, resident of Butter Kalan, now resident of Raoke Road, Rania. IO disclosed his identity to the appellant and stated that he had suspicion that there was some contraband substance in the envelope carried by him. Thus he intended to conduct his search as well as that of polythene envelope. The appellant was apprised about his legal right to get his search conducted from Gazetted Officer or Magistrate, who could be called at the spot. However, the appellant reposed faith in the IO and opted to get his search conducted from him. IO prepared his consent memo. IO/ASI Mangal Singh tried to join some independent witness from the public, but none was ready. Then IO conducted the search of black colored polythene envelope carried by the appellant in his right hand, which led to recovery of 20 strips of Clomadol 100SR (Sustained Release Tramadol Hydrochloride Tablets IP) having Batch No.4055, MFD.DEC 2017, EXP.NOV 2019 MRP Rs.160-00 LAT/10 tablets total 200 tablets and 6 strips of ALECO (Chlorpheniramine Maleate Tablets IP) having Batch No.EBT-17912, MFD.09/17, EXP. 08/19 MRP Rs.15.90/10 Tablets LAT total 60 tablets. The recovered intoxicant tablets were put into the cloth

parcel and converted into separate parcel, which was sealed by the IO with his seal bearing impression 'MS'. Sample seal was prepared. Form M-29 was prepared. Seal after use was handed over to ASI Harwinder Singh. Cloth parcel containing intoxicant tablets was taken into police possession, vide separate recovery memo. The appellant was arrested. Personal search of the appellant was conducted. Site plan was prepared and statements of the witnesses were recorded.

On return to Police Station, ASI Mangal Singh kept the case property in his safe custody and sent the appellant in custody. On the next day i.e. 19.06.2018, ASI Mangal Singh produced the case property along with the appellant before court of Shri Pushpinder Singh, the then learned Sub Divisional Judicial Magistrate(D), Baghapurana. On his application, learned Magistrate converted the bulk parcel into sample parcels and sealed sample parcels with seal of the court bearing impression 'PS'. On return, he deposited the case property with centralized malkhana and the sample parcel and Form No.29M was handed-over to Inspector Surjit Singh for sending the same to FSL for analysis. Inspector Surjit Singh sent the sample parcel to Forensic Science Laboratory, Ludhiana through LC Satvir Kaur, vide Road Certificate No.151 dated 25.06.2018. Statements of the witnesses under Section 161 Cr.P.C were recorded. Report of Forensic Science Laboratory was received, vide which, sample of Clomodel-100SR tablets were found having Tramadol Hydrochloride salt and ALECO tablets were found containing Chlorpheniramine Maleate salt. On completion of investigation and other formalities, challan against the appellant was presented in the court

On appearance of the appellant, copies of challan were supplied to the appellant free of costs.

After hearing Learned Additional Public Prosecutor for the State, learned defence counsel and going through the report under Section 173 Cr.P.C, a formal charge for the offence punishable under Section 22 of NDPS Act was framed against the appellant on 10.10.2018 to which, the appellant did not plead guilty and claimed trial.

To prove its case, prosecution has examined LC Satvir Kaur (sample carrier) as PW-1; Inspector Surjit Singh as PW-2; ASI Harwinder Singh (recovery witness) as PW-3; SI Mangal Singh (Investigating Officer) as PW-4; Inspector (Retired) Resham Singh (Incharge, Secret Branch, DPO, Moga) as PW-5 and thereafter learned Additional Public Prosecutor for State closed the evidence on behalf of the prosecution, vide separate statement.

Statement of the appellant under Section 313 Cr.P.C. was recorded, in which, he has denied all the incriminating evidence of the prosecution put to him and pleaded his innocence. The appellant pleaded that he has been falsely implicated in the present case.

Since an application under Section 311 Cr.P.C. was moved which was allowed and Inspector Resham Singh was examined, hence, statement of the appellant under Section 313 Cr.P.C. was recorded again. However, no evidence in defence was led.

The parties were heard by the trial Court, and after considering the evidence adduced and the rival submissions advanced, the

appellant was convicted for the commission of an offence under Section 22 of the NDPS Act, 1985 and sentenced as above. Hence, the present appeal.

Learned counsel for the appellant states that he is not pressing the prayer to challenge the judgment of conviction and confines himself only to the reduction of sentence. Accordingly, counsel for the appellants has been heard on the issue of quantum of sentence.

Learned counsel appearing on behalf of the appellant submits that the FIR in the present case pertains to the year 2018 and that a considerable period of more than 08 years has elapsed since then, during which the appellant has faced the ordeal of a protracted trial. It is further contended that, as per the custody certificate, the appellant has undergone an actual sentence of 03 months and 01 day. Learned counsel submits that the appellant was approximately 43 years of age at the time of the occurrence and that a substantial period of about 08 years has passed thereafter. He also submits that the appellant has familial responsibilities to discharge, and in view of the totality of circumstances, including the long lapse of time and the custody already undergone, the sentence imposed upon the appellant be reduced to the period already undergone.

State counsel, on the other hand, contends that the trial Court has considered the entire evidence and that independent witnesses had been joined. He contends that the trial Court has passed a well-reasoned and speaking judgment after meticulously appreciating the entire oral as well as documentary evidence on record. The findings recorded are based on cogent, reliable, and trustworthy evidence and do not call for any

interference. The recovery had been proved through consistent testimonies of prosecution witnesses, and the same was corroborated by documentary evidence, hence, the prosecution successfully established its case.

I have heard learned counsel for the parties on the question of sentence.

In the present case, there is nothing on record to reflect that the appellant has a criminal bent of mind or that his conduct poses any threat to society. Moreover, during the period of 08 years, appellant has not indulged into any other offence of similar nature. Hence, by the broader principles of criminal jurisprudence, no adverse presumption can be drawn against him.

This court, vide **judgment dated 14.11.2025 in CRR 2697 of 2025 titled as Lakshay Jain v State of Punjab & Another** has held as under: -

“32. The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work “Criminology,” observed that:

“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”

33. 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.

34. While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a ‘criminal’ and an ‘offender’.

35. While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.

36. The case in hand is yet another where interest of justice would warrant a reformatory 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."

Taking into consideration the facts and circumstances of the present case and the mitigating circumstances enumerated above, I find that the prolonged incarceration, the protracted criminal trial and the consequent agony faced by the appellant, the actual sentence out of total sentence already undergone by him, the reformatory tendency shown by the appellant by not indulging in any other offence, the age of the appellant at the time of the incident as well as the legal principles reproduced above, are adequate grounds for adopting a calibrated approach in the matter of sentence.

The present appeal is accordingly **partly allowed**. While the judgment of conviction dated 08.04.2026 passed by the Judge, Special Court, Moga, is affirmed, the order of sentence of even date is modified, and the sentence awarded to the appellant is reduced to the period already undergone by him.

The appellant, if confined in jail and is not required in any other case, shall be released forthwith, in accordance with law.

Since the main case itself has been decided, CRM-21298-2026 seeking suspension of sentence and CRM-21299-2026 seeking stay of recovery of fine, during the pendency of the present appeal also stand disposed of accordingly.

May 14, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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