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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2625-2006 (O&M)

Date of Decision: 09.04.2026

Sukhdarshan

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Rittam Aggarwal, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 14.12.2006 passed by the Court of Sessions Judge, Faridkot and the judgment of conviction and order of sentence dated 01.03.2006 passed by the Court of Chief Judicial Magistrate, Faridkot, whereby the petitioner was convicted for the commission of offence punishable under Section 27(b)(ii) of the Drugs and Cosmetics Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.200/- alongwith default stipulation.

2. The brief facts of the case are that on 27.02.1996, Harbans Singh the then Drug Inspector Faridkot, alongwith Ajay Singla, Drug Inspector, Dr. Madan Mohan Dhir, District Ayurvedic Officer and Bhag Singh went to inspect the shop of the accused situate in the area of Cantt. Road, Faridkot and accused was found in his shop. On inspection the accused was found stocking allopathic drugs for sale in his shop. Harbans Singh Inspector asked him to produce the valid drug sale licence/RMP certificate authorizing him to stock those allopathic drugs for sale/distribution, but he could not produce any such document. He



also could not produce any document for the purchase of the said drugs nor did he disclose the name, address and other particulars of the person from whom he acquired the drugs. Harbans Singh seized those drugs and some medical instruments on Form-16, under the provisions of Drugs and Cosmetics Act, 1940. Form-16 was prepared by Harbans Singh at the spot in the presence of the accused, which bore the signatures of Ajay Singla, Madan Mohan Dhir and Bhag Singh. A copy of form -16 was also given to the accused vide a receipt recorded on Form-16. Harbans Singh also prepared the inspection report at the spot. Necessary custody orders for the seizure required under Section 23(5)(b) and 23(6) of the Drugs and Cosmetics Act were obtained from the Court by Shri Harbans Singh, Drug Inspector. In September 1997, on transfer of Harbans Singh, he handed over the case file to Bhag Singh, District Drug Inspector, the complainant, who issued notice to the accused but he did not send any reply. As such the accused contravened the provisions of Section 27(b)(ii) of for the Drugs and cosmetics Act, by stocking sale/distribution the above mentioned drugs in his shop without valid drugs sale licence as required under Section 18(c) of the Drugs and Cosmetics Act, 1948 and has also contravened the provisions of Section 28 of the said Act by not disclosing the source of acquisition of said drugs as required Section 18-A of the said Act. As such the present complaint was filed by the State through its District Drug Inspector against the accused.

3. After procuring the presence of the petitioner, the pre-charge evidence of the complainant was recorded and the trial Court found a *prima facie* case against the petitioner under Sections 27(b)(ii) and 28 of the Drugs



and Cosmetics Act, 1940 and a notice of accusation was served on him. The petitioner pleaded not guilty and claimed to be tried by the trial Court.

4. During the trial, the prosecution examined PW-1 Harbans Singh and PW-2 Bhag Singh and thereafter, the evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgments of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution examined PW-1 Harbans Singh, Drug Inspector, who categorically deposed that 13 types of allopathic drugs and two types of medical instruments were recovered from the clinic of the petitioner and he could not produce any medical certificate, authorizing him to keep the said instruments in stock. His statement has been duly corroborated



by PW2, Bhag Singh, District Inspector-cum-complainant. Even both the witnesses were cross-examined at length, however, the testimonies could not be shattered in any manner. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.

10. Now, advertng to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing agony of trial/appeal/revision since 19.02.1999 i.e. for the last more than 27 years. Even as per his custody certificate, he has already undergone 28 days of actual custody, out of total sentence of 01 year. Even the sentence imposed on the petitioner was suspended by this Court on 08.01.2007 and since then, he has maintained good conduct. Moreover, the petitioner is the first offender and was never involved in any other crime. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

12. Pending application, if any, also stands disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

09.04.2026
hemlata

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