

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

222

2026.PHHC.056550



Decided on: April 10, 2026.

(1)

CRA-S-4090-2025 (O&M)

RANJIT SINGH @ BITTU

...Appellant

Versus

STATE OF PUNJAB

...Respondent

(2)

CRA-S-3990-2025 (O&M)

PALWINDER SINGH @ HAPPY

...Appellant

Versus

STATE OF PUNJAB

...Respondent

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

PRESENT Ms. Komal Balyan, Advocate,
for the appellant in CRA-S-4090-2025.

Ms. K.K. Dhaliwal, Advocate, for the appellant
in CRA-S-3990-2025.

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

Both the above mentioned appeals have been preferred against the judgment of conviction and order of sentence dated 02.12.2025 passed by the Judge, Special Court, Patiala, in NDPS case bearing No.86 dated 04.02.2020 arising out of FIR No.65 dated 21.06.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Banur (Ghanour), District Patiala, whereby the appellants have been convicted for commission of offence under Section 22 of the NDPS Act, for having been found in conscious possession of 617 Lomotil tablets (from appellant Palwinder Singh) and 825 Becalm Tablets (from appellant Ranjit Singh) 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/- each and in default thereof to undergo simple imprisonment for one month each.

2 The prosecution case, in brief, is that on 21.06.2019, ASI Suba Singh along with other police officials were patrolling near GT Road near Fatehpur Garhi, T-point, P.S.Banour and at about 7.00 PM, they saw one motorcycle make Bullet bearing No.PB-65-AP-1925 coming from the side of Rajpura, which was driven by one clean shaven person and one another person was sitting behind him. When they were about to run after leaving the motorcycle and throwing polythene on the spot, they were apprehended by ASI Suba Singh. Thereafter, ASI Suba Singh sent ruqa to the police station through HC Bhupinder Singh, on the basis of which, FIR was registered against the appellants. It was also intimated through ruqa by ASI Suba Singh that IO be sent on the spot and thereafter, Inspector

Surinder Pal Singh along with police party reached at the spot and he verified the facts from ASI Suba Singh and after that, Inspector Surinder Pal checked the polythene bag which was thrown by Palwinder Singh and on checking, four strips of Lomotil intoxicant tablets each containing 60 tablets i.e. total 240 tablets were recovered and 10 strips from which certain tablets were consumed or otherwise missing were also recovered. From the same bag, five used strips of Lomotil tablets i.e. total 129 tablets were also recovered and total 617 Lomotil intoxicant tablets were recovered from the bag which was thrown by appellant(s) Palwinder Singh. The tablets were put back into the polythene bag, which were further put into a cloth bag and parcel was created and from the polythene bag, which was thrown by appellants. 11 strips of Becalm 0.5 intoxicant tablets were recovered each containing 75 tablets i.e. total 825 intoxicant tablets. The recovered tablets from Ranjit Singh were put back into the polythene bag, which were further put into cloth bag and parcel was made. Both parcels were sealed by Inspector Surinder Pal with his seal bearing impression 'SP'. Sample seal was separately prepared and seal after use was handed over to ASI Suba Singh. The case property was taken into police possession vide separate recovery memo. Thereafter, Inspector Surinder Pal prepared rough site plan and recorded the statements of witnesses. Appellants were arrested and their personal search was conducted. The above said motorcycle was also taken into police possession vide separate recovery memo. Report under Section 57 of NDPS Act was also prepared. On return to the police station, Inspector Surinder Pal deposited case property with MHC Kulwinder Singh and appellants were lodged in lock-up.

On conclusion of investigation, final report under Section 173 Cr.P.C, was presented. Copies of challan along with accompanying documents as required under section 207 Cr.P.C. were supplied to the appellants.

Finding a prima facie case, appellants were chargesheeted under Section 22 of Narcotic Drugs & Psychotropic Substances Act, to which they pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined the following witnesses:

PW.1	HC Kulwinder Singh
PW.2	Retired Inspector Surinder Pal,
PW.3	ASI Major Singh,
PW.4	Sandeep Singh, MTC Office of SDM, Shri Anandpur Sahib,
PW.5	ASI Suba Singh.

Evidence of the prosecution was closed vide order dated 26.09.2025.

Statements of the appellants under Section 313 Cr.P.C were recorded in which all the incriminating evidence appearing against the appellants was put to them, appellants denied the same and pleaded their innocence. They took the plea that they have been falsely involved in the present case and nothing was recovered from them. Appellants opted to

lead evidence in their defence. However, no evidence was led by the appellants in their defence.

Learned counsel for appellants as well as State counsel were heard at length by the trial Court and after considering the evidence adduced and the rival submissions advanced, the appellants were convicted for commission of offence under Section 22 of the NDPS Act, 1985 and sentenced as above. Hence, the present appeals.

It has been argued by counsel for the appellants that no independent witness was joined even though the appellants were apprehended from a public place which makes the case of the prosecution doubtful. They contend that there is non-compliance of mandatory provisions of the NDPS Act. They contend that there are material contradictions and discrepancies in the cross-examination of PW.2 Retired Inspector Surinder Singh who was the investigating officer of the case and that in the cross-examination of other official witnesses. They thus contend that the appellants are liable to be acquitted as there were material discrepancies and non-compliance of statutory provisions which have been overlooked by the trial Court while returning a finding of conviction against the appellants.

State counsel, on the other hand, contends that the trial Court has taken into consideration the entire evidence and the contention that no independent witness had been joined has been appreciated and dealt with by the trial Court. She further contends that all the arguments advanced have already been considered and that no illegality or perversity has been pointed out. Further, there is nothing on record to suggest that the

conclusions drawn by the trial Court in any manner are suffering from incorrect appreciation of the evidence that has been adduced before the trial Court. Discrepancies having no bearing on the outcome of the case are to be ignored.

I have heard counsel appearing for the respective parties and have gone through the documents appended along with the present appeals as well as the judgment under challenge before this Court.

Before proceeding further, a reference to the findings recorded by the trial Court after appreciating the entire oral and documentary evidence along with cross-examination of the witnesses is deemed necessary. Hence, the same is extracted as under: -

“12. Therefore, after appreciating the entire oral as well as documentary evidence along with cross-examination of the witnesses as discussed above and after taking into consideration entire documentary evidence led by the prosecution, this Court is of the considered conclusion that prosecution has been able to prove its present case against the appellants by leading cogent and convincing oral as well as documentary evidence beyond every reasonable shadow of doubt and prosecution has clearly established the fact that accused Palwinder Singh was found in conscious possession of 19 strips of Lomotil tablets i.e. total 617 intoxicant tablets and accused Ranjit Singh was found in possession of 11 strips of Becalm tablets i.e. total 825 intoxicant tablets and they were apprehended by the police party along with above said intoxicant tablets and prosecution has clearly proved the recovery of 617 Lomotil tablets from the conscious possession of accused Palwinder Singh and 825 Becalm tablets from the conscious possession of accused Ranjit Singh and proved the entire investigation against the accused

persons by examining PW2 Retired Inspector Surinder Pal, PW1 HC Kulwinder Singh and PW5 ASI Suba Singh and all these official witnesses of the prosecution have categorically proved entire case of the prosecution and proved all the relevant documents relied upon by the prosecution and they have categorically deposed regarding recovery of 617 Lomotil tablets from the conscious possession of accused Palwinder Singh and 825 Becalm tablets from the conscious possession of accused Ranjit Singh.

13. Bare perusal of cross-examination of all the above said prosecution witnesses clearly reveal the fact that there are no major discrepancies and contradictions regarding recovery of 617 Lomotil tablets from the conscious possession of accused Palwinder Singh and 825 Becalm tablets from the conscious possession of accused Ranjit Singh and all prosecution witnesses as discussed above gave rational answers to the questions put by the learned defence counsel and they have corroborated the recovery and investigation even during cross-examination and nowhere deposed contrary to the case of prosecution and nowhere denied all the documents relied upon by the prosecution and learned defence counsels failed to shatter their credibility regarding recovery of 617 Lomotil tablets from the conscious possession of accused Palwinder Singh and 825 Becalm tablets from the conscious possession of accused Ranjit Singh despite lengthy cross-examination. However, there are minor discrepancies in the cross-examination of all the official witnesses, which are not fatal to the case of the prosecution, but which are bound to come with the passage of time. Therefore, benefit of minor discrepancies cannot be given to the accused and, moreover, accused persons have also miserably failed to prove their false implication in the present case and miserably failed to prove their enmity with the police officials by leading any cogent and convincing

evidence. Therefore, it cannot be accepted that accused have been falsely implicated in the present case by the police officials.

14. So far as the contentions of accused regarding non-joining of independent witness is concerned, it is pertinent to mention here that it is the settled law that non-joining of independent witness is not fatal to the case of the prosecution, if other evidence is trustworthy and corroborative and in the case in hand, entire evidence clearly corroborate recovery of 617 Lomotil tablets from the conscious possession of accused Palwinder Singh and 825 Becalm tablets from the conscious possession of accused Ranjit Singh. Therefore, there is absolutely no need to provide any independent corroboration to the recovery effected from the conscious possession of accused. Therefore, even if the IO failed to join any independent witness at the time of recovery, still appellants cannot take any benefit of the same. Therefore, I find no force in the said contentions and accordingly not acceptable in the eyes of law.

15. Thus, after taking into consideration entire facts and circumstances of the present case and also perusing ocular version and documentary evidence brought on record, this Court is of the considered opinion that prosecution has successfully proved its present case against the accused Palwinder Singh and Ranjit Singh by leading cogent and convincing evidence beyond every reasonable shadow of doubt, as prosecution has proved recovery of 617 Lomotil tablets from the conscious possession of accused Palwinder Singh and 825 Becalm tablets from the conscious possession of accused Ranjit Singh, which is not commercial quantity as proved from FSL report Ex.P14 and defence has failed to bring any dent in the prosecution story and, therefore, evidence on record is sufficient to convict both the accused in the present case. Accordingly, I agree with the arguments

and contentions of learned APP for the State and I find force in the same. On the other hand, I do not agree with the arguments and contentions of learned defence counsel and I find no force in the same. Accordingly, point of determination is decided in favour of prosecution and against the appellants persons. Accordingly, accused Palwinder Singh and Ranjit Singh are hereby held guilty and stands convicted under Section 22 of Narcotic Drugs and Psychotropic Substances Act.

Thus from the above, it is evident that the prosecution had successfully established its case beyond reasonable doubt. The recovery of 617 Lomotil tablets from the conscious possession of Palwinder Singh and 825 Becalm tablets from Ranjit Singh stands duly proved by the prosecution by leading cogent, consistent, and reliable testimony of official witnesses, whose credibility remained unshaken during cross-examination.

In reference to non-joining of independent witness, the trial Court has specifically observed that it is the settled law that non-joining of independent witness is not fatal to the case of the prosecution, if other evidence is trustworthy and corroborative. The trial Court further noticed that the entire evidence clearly corroborate recovery of 617 Lomotil tablets from the conscious possession of appellant Palwinder Singh and 825 Becalm tablets from the conscious possession of appellant Ranjit Singh requiring no independent corroboration and appellants cannot take any benefit of the same.

The minor discrepancies pointed out are inconsequential and do not affect the merits of the prosecution's case. The trial Court has

noticed that minor discrepancies pointed out in the cross-examination of the official witnesses are not fatal to the case of the prosecution as the same are bound to happen with the passage of time and benefit of which cannot be given to the appellants

The defence has failed to substantiate the plea of false implication or any enmity with the police officials as no defence evidence has been led by the appellants supporting their innocence or false implication. It has been specifically noticed by the trial Court that appellants have also miserably failed to prove their false implication in the present case and have further failed to prove their enmity with the police officials by leading any defence evidence. Thus, on the basis of evidence led, it cannot be accepted that appellants have been falsely implicated in the present case.

Thus, it is amply clear that prosecution has proved the recovery against the appellants beyond the shadow of reasonable doubt and the entire investigation has been conducted in a convincing manner. Therefore, the contentions advanced on behalf of the appellants lack merit and the appellants have been rightly convicted.

Both the appeals are accordingly dismissed. The judgment of conviction dated 02.12.2025 passed by the Judge, Special Court, Patiala, is affirmed.

On being faced with the above, counsel for the appellants adverted to the question of quantum of sentence. It is submitted that the quantum of punishment awarded by the Trial Court warrants reconsideration. It is contended that the appellants were sentenced to

undergo rigorous imprisonment for a period of one year, out of which they have already undergone substantial period. The following mitigating circumstances are pointed out by them to consider the quantum of punishment: -

- a. The appellant Ranjit Singh has already undergone 07 months and 16 days out of the total sentence of one year imposed by the Trial Court and thus a substantial portion of the custodial sentence has been suffered.
- b. The appellant Palwinder Singh @ Happy has already undergone 05 months and 05 days out of the total sentence of one year imposed by the Trial Court and thus a substantial portion of the custodial sentence has been suffered.
- c. The occurrence in question dates back to the year 2019 and a considerable time has elapsed since then. The appellants have faced the protracted agony of criminal trial for more than 07 years and the psychological and social ramifications of facing criminal prosecution for such an extended duration constitute a relevant mitigating circumstance.
- d. As per the custody certificate produced by the State, the appellant- Palwinder Singh @Happy is not involved in any other criminal case. There is no material to suggest habituality or recurrence of criminal conduct.
- e. The appellants have maintained good conduct throughout and is ready to be integrated into society. There is nothing on record to indicate any subsequent misconduct. The absence

of antecedents and their continued social integration deserve
a lenient and reformatory approach in the matter of sentence.

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 appellants possess a criminal bent of mind or that their conduct poses
any threat to society. Hence, by the broader principles of criminal
jurisprudence, no adverse presumption can be drawn against them.

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 appellants, the actual sentence out of total sentence already undergone by the appellants, the reformatory tendency shown by the petitioner by not indulging in any other offence, the age of the appellants 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 appeals are accordingly **partly allowed**. While the judgment of conviction passed by the Judge, Special Court, Patiala, is affirmed, however, the order of sentence dated 02.12.2025 is modified and

the sentence awarded to the appellants is reduced to the period already undergone by them.

The appellant(s), if confined, in jail and is not required in any other case, shall be set at large, in accordance with law.

Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

A photocopy of the order be placed on the connected file(s).

**April 10, 2026.
raj arora**

**(VINOD S. BHARDWAJ)
JUDGE**

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