

2025:PHHC:150259

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

228

CRA-S-2390-SB-2011 (O&M)

Date of decision: 31.10.2025

Narender

....Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rahul Vats, Advocate for the appellant.

Mr. RK Jangra, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. Challenge in the present appeal is to the judgment/order dated 13/14.07.2011, passed by the learned Special Court, Rohtak, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for 3 years alongwith fine of Rs.10,000/- and in default of payment of the same, to further undergo rigorous imprisonment for six months, for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. Briefly, the facts are that on 31.12.2008, when EASI Rajender Singh alongwith other police officials was present at Gate No.2 of New Bus Stand, Rohtak, for patrolling duty and they apprehended the accused in possession of 1 kg. of charas. The requisite samples were drawn and sealed. *Ruqa* was sent, on the basis of which, an FIR was registered.

3. After the investigation concluded, the police submitted the final

report in terms of Section 173 Cr.P.C. The Court, upon finding a prima facie case, proceeded to frame charge under Section 20 of the Act. The accused, however, pleaded not guilty and insisted on trial.

4. Prosecution in support of its case examined 11 witnesses after which the statement of the accused was recorded under Section 313 Cr.P.C., wherein the accused denied incriminating evidence, while pleading innocence and alleged false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellant as noticed above.

6. Hence appellant in appeal.

7. The challenge to the conviction is given up by the learned counsel, who now confines his prayer for reduction of sentence to the period of 1 year, 6 months and 27 days, already undergone by the appellant, on the grounds that he is a first offender; only bread earner of the family; belongs to the poor strata of society; has old age mother and father having passed away; not involved in any other case and has been facing the agony of protracted trial since 2009.

8. Per contra, learned State counsel submits that the trial Court after evaluating the evidence has rightly convicted the appellant and the sentence awarded to him cannot be said to be excessive, therefore, he prays for the dismissal of the present appeal. He, however, was unable to deny that appellant, during pendency, committed no similar offence.

9. Counsel on either side heard and the record perused.

10. Evidently, EASI Rajender Singh and PW10-SI Shri Krishan had deposed that the accused appellant was apprehended and found to be in conscious possession of the alleged contraband. As per FSL report Ex.PA/2, contents of the contraband were opined to be Charas. The delay in sending the sample is not fatal

for prosecution as it was never tampered with and was intact. There is no scope for interference in the findings recorded by the trial Court as the recovery has been proved on credible official testimony, and immaterial discrepancies due to lapse of time. As such, his conviction is upheld.

11. On the issue of reduction of sentence to the period already undergone, the judgment in **S.K. Sakkar @ Mannan vs. State of West Bengal**, (2021) 4 SCC 483, can be referred to, wherein the accused was convicted under Section 20 of the Act and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, 4 months and 16 days, by considering that the occurrence took place in 1997 and he was not a habitual offender, rather a first-time convict.

12. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

13. Likewise, in **Naresh Kumar vs. State of Haryana**, CRA-S-796-SB-2005, decided on 24.02.2023, the sentence of the appellant i.e. 3 years and 6 months, convicted under Section 15 of the Act, was modified to the period undergone i.e. 8 months and 25 days already, by holding that no useful purpose will be served by sending him to jail after 22 years from the date of incident, in view of the fact that he was only about 28 years old at that time.

14. Whilst adopting a sympathetic approach; the appellant having suffered the vagaries of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds mitigating factors apparent. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

15. The order of sentence dated 14.07.2011 is modified to the aforesaid extent and as such, the present appeal stands partly allowed.

(AMAN CHAUDHARY)
JUDGE

31.10.2025
ashok

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