

238

CRM-13182-2025 in CRA-S-4100-2024

Harpreet Singh @ Hira vs. State of Punjab

Present : Mr. Arun Rana, Advocate for the applicant-appellant.
Mr. Durgesh Garg, AAG Punjab.

1. This is second application on behalf of the applicant-appellant-Harpreet Singh @ Hira for suspension of his substantive sentence.

The applicant had been convicted and sentenced vide judgment and order dated 13.02.2024 passed by Judge, Special Court, Amritsar, as under:-

Sr. No.	Offence under Sections	Imprisonment	Fine (in Rs.)	In default of fine imprisonment
1	21(C) of NDPS	R.I. for 10 years	Rs.1.00 lac	02 years

2. Learned counsel for the applicant-appellant has iterated that the applicant-appellant has been falsely implicated in the case as the entire story rests solely on the testimony of police officials, with no independent witnesses having been associated with or examined during the course of the investigation or trial. According to learned counsel, this renders the case of the prosecution inherently doubtful and devoid of impartial corroboration. Learned counsel has further iterated that the trial Court has erred in convicting the applicant-appellant without properly appreciating the lack of independent evidence. Furthermore, the alleged recovery of 500 grams of heroin is said to have been effected from the pocket of the trouser of the applicant-appellant which is prima facie improbably in the facts and circumstances of the case. Moreover, no forensic analysis or chemical examination report has been produced to establish the purity or composition of the recovery substance which is a crucial factor under the NDPS Act.

These serious lacunae in the case of the prosecution when considered collectively cast a serious doubt on the veracity of the charges. It has been further iterated that the applicant-appellant has undergone over 3 years and 02 months of incarceration and in view of the serious infirmities in the case of the prosecution, the applicant-appellant deserves to be enlarged on bail during the pendency of appeal.

3. Learned State counsel on the other hand contends that the applicant-appellant has rightly been convicted for having committed the offence in question. All the grounds raised by the applicant-appellant have been considered and dealt with in their proper perspective by the trial Court. Therefore, the applicant is not entitled to the concession as prayed for.

4. I have heard counsel for the parties, considered the rival submissions and have perused the available record.

5. It is with profound concern that this Court takes judicial notice of the escalating drug menace that plagues our society, posing an insidious threat to public order, health, and the very fabric of the nation. While the scourge of substance abuse has long been a challenge, the proliferation and consumption of manufactured drugs, particularly cocaine and heroin, have exacerbated this crisis to an alarming degree, demanding an unequivocally stringent response from all pillars of the State, not least the Judiciary. This Court observes a discernible and alarming shift in the landscape of drug abuse towards these highly potent and illicitly manufactured substances. It is further noted that the intricate international networks and clandestine operations involved in the production and distribution of these narcotics underscore the deep-rooted involvement of organized criminal elements, thereby transforming drug trafficking into an affront to national security and the rule of law. Furthermore, this Court cannot overlook the undeniable

nexus between drug addiction and the alarming surge in criminal activities. Desperate addicts frequently resort to petty and violent crimes to sustain their habits, thereby contributing directly to increased lawlessness and insecurity. The illicit drug trade itself is a primary driver of organized crime, corruption, and money laundering, fundamentally undermining the integrity of governance and the rule of law. Economically, the burden is colossal, encompassing direct healthcare expenditures, lost productivity, and the substantial allocation of resources to law enforcement and judicial processes.

In light of the foregoing, it is the considered view of this Court that cases pertaining to the drug menace, especially those involving manufactured drugs, must be dealt with the utmost strictness and resolve. The legislative intent behind stringent enactments such as the Narcotic Drugs and Psychotropic Substances (NDPS) Act is unequivocally to deter such activities and protect society from their devastating consequences. The Judiciary bears a solemn responsibility to uphold this legislative intent by ensuring that offenders are brought to justice and that the penalties prescribed are meted out with a firmness commensurate with the gravity of the offence. Any leniency in such cases risks undermining the collective efforts to combat this menace and sends a dangerous signal to those who profit from human suffering.

6. From the submission made by learned counsel for the applicant-appellant, it cannot be said, at this stage, that there is something palpably wrong with the judgment of conviction passed by the learned trial Court. Indubitably, the applicant-appellant has undergone actual custody of 03 years, 05 months and 28 days as is decipherable from the custody certificate dated 02.07.2025 filed by the learned State counsel in the Court today but at the same time it cannot be lost sight of the fact that the applicant-appellant

was not granted regular bail during the pendency of trial on which account he had undergone incarceration for a period of about 02 years, 01 month and 09 days. Accordingly, the custody period undergone by the applicant-appellant after his having been convicted by way of the impugned judgment is a period of approximately 01 year and 04 months only. Furthermore, the recovery of 500 grams of heroin, being a commercial quantity under the NDPS Act, cannot be treated lightly and no mitigating circumstances has been shown that would persuade this Court to suspend the sentence at this stage.

6.1. The submission made on behalf of the applicant-appellant shall undoubtedly be examined on merits at the time of final adjudication of the appeal and the same cannot be appreciated at this stage.

7. Keeping in view the totality of the facts and circumstances of the case, the instant applicant seeking suspension of sentence is dismissed.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

July 03, 2025

Ajay