

Gurmeet Singh vs. State of HP

Cr. Appeal (C-SB) No. 30 of 2026

6.5.2026 Present: Ms. Shrutika Chauhan, Advocate, for the appellant.
Mr. Jitender Sharma, Additional Advocate General, for the respondent-State.

Cr. MP No. 451 of 2026

The appellant/applicant has filed the present application for seeking the suspension of the sentence awarded by the learned Special Judge, Paonta Sahib District, Sirmour, H.P. (learned Trial Court). It has been asserted that the applicant was tried and convicted by the learned Special Judge, Paonta Sahib, District Sirmour, H.P., for the commission of offences punishable under Section 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act). The applicant has filed an appeal against the conviction and sentence, which is pending for adjudication. The applicant has a strong case on merit, and his appeal is likely to be accepted in all probabilities. The applicant/appellant is the sole earner of the family. His old parents are dependent upon him for their livelihood. The applicant was arrested on 2.6.2018 and was released on bail on 4.7.2018. The applicant did not misuse the concession of bail during the trial. The applicant would abide by the terms and conditions that the

Court may impose. Hence, it was prayed that the present application be allowed and the sentence imposed by the learned trial Court be suspended during the pendency of the appeal.

2. The application is opposed by filing a reply, making a preliminary submission regarding the lack of maintainability. The contents of the application were denied on the merits. It was asserted that the applicant was convicted and sentenced after a full-dressed trial based on the evidence led before the learned trial Court. The applicant has failed to point out any perversity or infirmity in the judgment passed by the learned trial Court. Mere pendency of the appeal is not sufficient to grant bail to a person. The applicant was engaged in drug trafficking, which harms society, and no leniency should be shown to him. Hence, it was prayed that the present application be dismissed.

3. I have heard Ms. Shrutika Chauhan, learned counsel for the appellant/applicant and Mr. Jitender Sharma, learned Additional Advocate General, for the respondent/State.

4. Ms. Shrutika Chauhan, learned counsel for the applicant/appellant, submitted that the learned Trial Court

had imposed a sentence of four years for possessing 3.530 kilograms of poppy straw, which is disproportionate. The appeal is not likely to be taken up for hearing before the applicant has undergone a substantial part of the imprisonment which can be awarded to him in case of his conviction. Therefore, he prayed that the present application be allowed and the applicant be released on bail during the pendency of the proceedings.

5. Mr. Jitender Sharma, learned Additional Advocate General, for the respondent-State, submitted that the learned Trial Court had found the applicant guilty after the trial. The applicant has failed to point out any infirmity in the judgment and order passed by the learned Trial Court. The applicant was involved in drug trafficking, which harms society, and no leniency should be shown to him. Hence, he prayed that the present application be dismissed.

6. I have given a considerable thought to the submissions made at the bar and have gone through the records carefully.

7. The Central Government has notified one kilogram of poppy straw as a small quantity and 50 kilograms of poppy straw as the commercial quantity. A

person possessing 50 kilograms of poppy straw can be punished with imprisonment for 10 years. In the present case, the applicant/appellant was found to have been in possession of 3.530 kilograms of poppy straw as per the judgment of the learned Trial Court. *Prima facie*, the sentence imposed by the learned trial Court upon the applicant/appellant appears to be disproportionate. This Court has a roster to hear the criminal appeals up to the year 2025, and the appeal is not likely to be taken up for hearing before the applicant has undergone a substantial part of the imprisonment that can be awarded to him after applying the principle of proportionality in case his conviction is upheld. Therefore, the applicant is entitled to the suspension of the sentence awarded to him during the pendency of the appeal.

8. Hence, the application is allowed and the sentence awarded by the learned Trial Court on 5.1.2026 in Criminal Case No. 54-N/7 of 2018 is ordered to be suspended during the pendency of the proceedings subject to deposit of fine amount and furnishing of personal bond in the sum of ₹50,000/- with one surety in the like amount, undertaking therein to appear before this Court as and when called upon to do so and surrender before the

learned Trial Court in case of dismissal of the appeal. The present application stands disposed of.

9. The observations made here-in-above are regarding the disposal of the application and will have no bearing whatsoever on the merits of the case.

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10. Record has been received. List the matter for hearing in due course.

(Rakesh Kainthla)
Judge

6th May, 2026
(Nikita)