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**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-2077-2012

Date of Reserve:09.04.2026

Date of Decision:11.05.2026

Dharamvir

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Ms. Himani Anand, Advocate as Amicus Curiae
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 02.04.2012, passed by the Court of Additional Sessions Judge, Faridabad, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 07.06.2011, passed by the Court of Judicial Magistrate Ist Class, Faridabad, whereby the petitioner was ordered to be convicted for the offence punishable under Section 20/61/85 of NDPS Act and was sentenced as under:-

Under Section 20/61/85 of NDPS Act	R.I for a period of six months
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2. The brief facts of the prosecution case are that the FIR in the present case was registered on the basis of the statement made by complainant ASI Ran Singh, he stated that on 11.08.2005, he alongwith HC Sher Mohammad and Constable Harminder Singh was on patrolling and crime detection duty. He alongwith police officials was going towards Harijan Basti.



When they reached near Harijan Mandir, one person was found standing on *kacha* rasta, who was having a white coloured plastic bag in his right hand. When he saw the police party coming towards him, then he got puzzled, threw the plastic bag on the *kacha* rasta and he started walking briskly. On the basis of suspicion, he was apprehended. On inquiry, he told his name as Dharamvir son of Phool Singh. Upon search of the plastic bag, Ganja was recovered. Upon weighing, weight of the Ganja was found to be 210 grams. Sample of 50/50 grams was separated and thereafter the sample as well as remaining contraband i.e. 110 grams Ganja was sealed with seal "RS". Seal was handed over to the Constable Sher Mohammad. The accused failed to produce any licence or permit to keep in possession the Ganja.

3. After investigation, the challan was presented before the Court of Area Magistrate and after perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Section 20 of NDPS Act was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 05 witnesses. PW-1 HC Shri Ram, PW-2 Ct. Parminder Singh, PW-3 Ran Singh, PW-4 Ct. Jalandhar Singh and PW-5 Hari Singh and thereafter, prosecution evidence was closed.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he has been falsely involved in the present case. No defence evidence was led by the petitioner in his



defence.

6. Learned counsel for the petitioner has vehemently argued that the Trial Court had completely overlooked the evidence led by the prosecution and wrongly convicted him. The entire prosecution case was based on the testimonies of official witnesses and there was no independent corroboration of the prosecution case. Apart from that, the mandatory provisions of Section 50 of NDPS Act were not complied with and due to non-compliance of the mandatory provisions, the petitioner was liable to be acquitted by the Courts below. Still further, as per the prosecution case, the packet was sealed with the seal "RS", but the FSL report showed two seals i.e "RS and "MS", which raised suspicion about the recovery. Apart from that, Ran Singh, S.I was the complainant in the present case and had investigated the offence and serious prejudice has been caused to the present petitioner in this regard.

7. On the other hand, learned State counsel has referred to the detailed findings recorded by the Trial Court and argued that the petitioner has been rightly convicted by both the Courts.

8. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

9. In the present case, the petitioner was found in possession of 210 grams of Ganja, without any permit of license. Ran Singh, SI complainant, appeared as PW-3, who had fully supported his complaint Ex.PW-3/A. His statement finds corroboration from the statement of PW-2 Constable Parminder Singh, who was also part of the police team and proved that Ganja was recovered from bag, during checking, which weighed 210 grams. Both the witnesses were cross-examined at length, but nothing could be elicited from



their cross-examination and their testimonies remained unshaken. Still further, the case of the prosecution cannot be brushed aside only on the ground that no independent witness has been examined by the police. In fact, the police officials had no reason to falsely involve the petitioner in the crime nor any evidence has been led to show that the official witnesses were having some grudge against the present petitioner. Apart from that, the recovery in the present case was conducted from the search of a plastic bag, which was held by the petitioner in his hand and no recovery was made from the personal search of the petitioner. Consequently, the mandatory provisions of Section 50 of the NDPS Act would not apply to the facts of the present case and the petitioner cannot take any benefit out of the same. Even otherwise, there is no irregularity, perversity and illegality in the impugned judgments of conviction passed by both the Courts and the same are ordered to be upheld.

10. Now, advertent to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 11.08.2005 i.e. for the last more than 20 years and is a first offender. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 24.07.2012 and since then he had maintained good conduct. Even as per the Custody Certificate, he has already undergone more than 04 months and 04 days of actual custody. Consequently, the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone



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by him.

12. I record my appreciation for Ms. Himani Anand, Advocate, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/-, which shall be paid by the Secretary High Court Legal Services Committee, as per rules and practices.

(N.S.SHEKHAWAT)
JUDGE

11.05.2026
hitesh

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