

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1179/2014

THE STATE OF PUNJAB

APPELLANT(S)

VERSUS

DARSHAN SINGH & ANR.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. The Trial Court convicted the respondents under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act') and awarded sentence for ten years rigorous imprisonment along with fine of Rs.1,00,000/-.
3. The respondents herein preferred an appeal before the High Court, which has since been partly allowed vide impugned judgment and order dated 22.11.2011, whereby the High Court confirmed the conviction but at the same time reduced the sentence to the period of two years and nine months and further reduced the fine to Rs.10,000/- each.
4. Aggrieved by the same, the State of Punjab is in appeal.
5. The submission of Ms. Nupur Kumar, learned counsel appearing for the appellant/State, is to the effect that the minimum sentence provided under Section 18 of the said Act is ten years which could be extended up to 20 years at the

relevant time when the offence was committed i.e. 04.06.1999. According to her, the High Court committed an error in reducing the sentence to two years nine months, which was against the statute.

6. Ms. Nidhi, learned counsel appearing for the respondents, when faced with the query as to why the conviction was not challenged, as she had sought to argue on the validity of the conviction, who has stated that since the respondents were being released on the period undergone, they did not challenge the conviction. She has, however, submitted that the High Court, in a cursory manner, confirmed the conviction without examining and appreciating the evidence.

7. Considering the submissions advanced, we are of the view that the order of the High Court impugned in the present appeal cannot be sustained. We, accordingly, set aside the order of the High Court, leaving it open for the High Court to decide the appeal afresh on merits. The appeal is allowed.

8. Since the appeal of the respondents will now be alive on the board of the High Court, it would be appropriate that the respondents may surrender within four weeks from today and thereafter apply for bail before the High Court, which shall be considered expeditiously.

9. Pending application(s), if any, shall stand disposed of.

.....J  
( VIKRAM NATH )

.....J  
( SANJAY KUMAR )

NEW DELHI;  
JUNE 08, 2023

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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Date : 08-06-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE SANJAY KUMAR  
(VACATION BENCH)

For Appellant(s) Ms. Nupur Kumar, AOR  
Ms. Muskan Nagpal, Adv.

For Respondent(s) Ms. Nidhi, AOR  
Mr. Mohit Girdhar, Adv.  
Mr. Sarthak Arora, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)  
COURT MASTER (NSH)

(Signed order is placed on the file)