

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

**Criminal Revision No. 1639 of of 2006
Date of decision: 02.02.2015**

Sarabjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: Hon'ble Ms. Justice Sabina

Present: Mr. J.S.Toor, Advocate
for the petitioner.

Mr. K.S.Aulakh, AAG Punjab.

Sabina, J

Petitioner had faced trial in FIR No. 274, dated 7.10.1998 u/s 61(1)(c) of Punjab Excise Act, 1914 ((for short, the Act) registered at Police Station Samana.

Prosecution story, in brief is that on 7.10.1998 at about 12.10 a.m., Assistant Sub Inspector Gulab Singh received a secret information that Puran Singh(since deceased) was distilling illicit liquor in his house and in case a raid was organized, working still, illicit liquor or lahan could be recovered. On the basis of the information, ruqa was sent to the police station for registration of the FIR. Then house of Puran Singh(since deceased) was raided and Puran Singh(since deceased) and the petitioner were apprehended while distilling illicit liquor with the help of a working still. The still was cooled and dismantled and its components were taken in possession. From the plastic can two bottles of illicit liquor were recovered. 22/23 kilogram lahan was found lying in silver vessel used for distilling illicit liquor.

After completion of investigation and necessary formalities,

challan was presented against the accused. During the pendency of the trial, accused Puran Singh had died. The trial court vide judgment/order dated 8.06.2005, ordered the conviction and sentence of the petitioner qua commission of offence punishable u/s 61(1)(c) of the Act. Appeal filed by the petitioner was dismissed by the appellate court vide order dated 1.07.2006. Hence, the present petition.

I have heard learned counsel for the petitioner and the learned State counsel and have gone through the record available on the file carefully.

Prosecution in order to prove its case, examined Assistant Sub Inspector Gulab Singh as PW-4. The said witness deposed as per the prosecution case. Statement of PW-4 was corroborated by the other official witnesses on material aspects. The official witnesses were acting in discharge of their official duty and had no reason to falsely involve the petitioner in this case. Petitioner and his co-accused were apprehended while distilling illicit liquor with the help of a working still. Both the courts below after appreciating the evidence, led by the prosecution, had thus, rightly held the petitioner guilty of the charge framed against him. No ground for interference is made out.

Dismissed.

**[SABINA]
JUDGE**

2nd February, 2015
Shivani Kaushik