

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRR No.767 of 2007 (o&m)
Date of Decision: 08.04.2015**

Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. K.S. Chahal, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab,
counsel for the respondent-State.

ANITA CHAUDHRY, J.

1. The revisionist, Gurpreet Singh has challenged his conviction under Section 61(1)(a) of the Punjab Excise Act, 1914 in FIR No.5 lodged on 10.01.2002 at Police Station Dhanoula, District Barnala. The Judicial Magistrate Ist Class, Barnala, vide order dated 08.04.2006 convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period of 1 year along with fine of Rs.3000/-. In default of payment of fine, he was to undergo further imprisonment for a period of three months.

2. The convict preferred an appeal which was dismissed by the Addl. Sessions Judge, Barnala vide order dated 16.04.2007. The petitioner was taken into custody.

2. While advancing arguments, learned counsel for the petitioner has confined his prayer only to the quantum of sentence.

3. I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

4. The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than thirteen years as the FIR is of January, 2002 and the petitioner had remained in custody for about 5½ months. Learned counsel for the petitioner further contends that during this period no similar offence has been committed by the petitioner and the sentence be reduced to the period already undergone.

5. The State counsel has opposed the prayer and submits that allegations against the petitioner are serious as 15 cases of country made liquor, containing 180 bottles were recovered from him and the Courts below have already taken a lenient view and no leniency should be shown to the petitioner. However, he very fairly concedes that the petitioner is not involved in any other case.

6. The occurrence took place on 10.01.2002. The petitioner was convicted by the trial Court vide judgment dated 08.04.2006. His appeal was also dismissed by the Addl. Sessions Court on 16.04.2007 and he was taken into custody. The petitioner has remained in custody for almost 5½ months. He has faced protracted trial for about 13 years. The petitioner

is not a previous convict nor similar offence has been committed by the petitioner during the pendency of trial. Striking a balance for the offence under Section 61(1)(a) of the Act and keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone by him. There would be no modification with regard to the fine. In case, the petitioner has deposited the fine, he be released forthwith in this case, if not required in any other case. A copy of this judgment be sent to the Courts below.

With the above modification alone, the revision petition stands disposed.

**(ANITA CHAUDHRY)
JUDGE**

08.04.2015

'Sunil Sehgal'