

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : August 28, 2015

1. CRR No. 843 of 2007 (O&M)

Nihal Singh vs State of Haryana

2. CRR No.848 of 2007 (O&M)

Dharmender vs State of Haryana

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Vashist, Advocate
for the petitioner in CRR No.843 of 2007.

Mr. Rahul Vats, Advocate
for the petitioner in CRR No.848 of 2007.

Ms. Supriya Arora, AAG Haryana

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRR Nos.843 and 848 of 2007, as both these petitions arise from the same occurrence.

Brief facts are that on 6.9.1997, a police party spotted a TATA vehicle near BRMC School, Behal towards Piani and on a search thereof, 17 bags containing 948 bottles of English liquor were recovered from both the petitioners. After conclusion of the trial, both the petitioners were convicted under Section 61(1)(a) of the Punjab Excise Act by the trial Court and sentenced to undergo RI for one year each and to pay a fine of ₹ 500/-

each, in default of payment of fine to undergo further RI for two months each. Both the petitioners filed appeals and the same having been dismissed, they are before this Court by way of the present petitions.

Custody certificates of the petitioners by way of affidavits of Satvinder Kumar, Superintendent District Jail, Bhiwani have been placed on record. As per the same, petitioner-Nihal Singh has undergone 3 months and 14 days of actual sentence, while petitioner-Dharmender has undergone 4 months and 24 days of actual sentence out of total sentence of 1 year.

At the very outset, counsel for the petitioners have stated that they do not press these petitions on merit but pray that a lenient view may be taken in respect of the sentence awarded to the petitioners, since they have been suffering the agony of these proceedings for the last almost eighteen years. As per the custody certificates, no other case is pending or decided against both the petitioners.

Counsel for the respondent has sought to argue that the findings arrived at by the Courts below convicting the petitioners are justified but has fairly stated that the limited prayer made by the counsel for the petitioners can be considered.

In these circumstances, I deem it appropriate to accept the limited prayer of counsel for the petitioners. Consequently, even while maintaining the conviction of the petitioners and dismissing these petitions, the sentence of the petitioners is reduced to the period which they have already undergone.

(AJAY TEWARI)
JUDGE

August 28, 2015
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