

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3720 of 2015 (O&M)****Date of Decision: November 03, 2015**

Lakhwinder Singh alias Lakha

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Naveen Bawa, Advocate
for the petitioner.

Mr.B.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Lakhwinder Singh alias Lakha against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 18.03.2015 passed by learned Judicial Magistrate Ist Class, Baba Bakala Sahib, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of seven days under Section 61 (1) (a) of Punjab Excise Act and he was further sentenced to undergo rigorous imprisonment for a period of six months and to pay of fine of ₹1000/- and in default of payment of fine to further

undergo rigorous imprisonment for a period of seven days under Section 61(1)(b) of Punjab Excise Act and also challenging the judgment dated 25.08.2015 passed by learned Addl. Sessions Judge, Amritsar, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings given by the Courts below regarding conviction and only prayed for reduction of sentence.

Notice of motion was issued only on the quantum of sentence and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per prosecution version, on 03.06.2012, SI Harjit Singh along with other police officials, on the basis of secret information, apprehended the accused-petitioner and 300 kgs. of lahan and one plastic Can of illicit liquor were recovered.

Learned counsel for the petitioner contended that petitioner is first offender and is suffering criminal trial for the last more than 3½ years. He also contended that petitioner is a poor person and only bread earner of the family. Therefore, he prayed that petitioner be released on probation.

Keeping in view the nature of the offence, recovery from the petitioner and the fact that as per custody certificate, he is first offender and no previous conviction has been reported against him and further, he is poor person and only bread earner of the family, this

Court is of the considered opinion that one opportunity to reform himself should be given to the present petitioner. Therefore, the sentenced imposed upon the present revision petitioner is modified and it is ordered that he be released on probation on furnishing probation bonds for a sum of ₹20,000/- for one year with one surety of the like amount with the condition that he will keep peace and good behaviour during the said period and will not repeat the offence. The petitioner is further directed to pay costs of litigation of ₹1,000/-.

With the above-said modification in the sentence, the present revision petition stands partly allowed accordingly.

November 03, 2015
Vgulati

(INDERJIT SINGH)
JUDGE