

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 2941-2012(O&M)
Date of decision: 16.11.2017

Brij Lal Jakher and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Rajesh Lamba, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, 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?*

Kuldip Singh, J. (Oral)

Heard.

Lower Court file perused.

Allegations against both the petitioners Brij Lal Jakher and Bansi Lal are that police received a secret information against them that they bring liquor from the State of Rajasthan in pick up jeep and sell the same. Police conducted a raid on the house of Brij Lal, where the police party headed by ASI Gulshan Kumar saw that Brij Lal Jakher and Bansi Lal, who were previously known to him, were unloading the bags of liquor and placing the same on ground. A person was sitting on the driver seat. On seeing the police party coming towards them, driver of the jeep started the vehicle and Brij Lal and Bansi Lal boarded the running jeep and succeeded in escaping in the same. 28 boxes of liquor were found containing 3360 packets of country made liquor. Both the Courts below

have believed the statements of the official witnesses.

Contention of learned counsel for the petitioners that there was no identification, was rightly repelled by both the Courts. Police officials by their nature of duty are supposed to keep a watch on the people living the locality. Therefore, the statement of the investigating officer that he knew both the accused previously, cannot be discarded. Hence, there are no merits in the present revision petition.

Learned counsel for the petitioners has prayed for releasing the petitioners on probation. He has relied upon the authority of Apex Court delivered in Joginder Singh vs. State of Punjab 1980 PLR 585.

After going through the nature of the offence and the fact that huge quantity of liquor was found from the possession of the petitioners and it was smuggled from Rajasthan, I do not find any ground to grant the benefit of probation to them.

Petitioners be re-arrested to undergo the remaining part of sentence.

The present revision petition stands dismissed accordingly.

16.11.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No