

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

**1. CRR No.1087 of 2014 (O&M)
Date of decision : July 04, 2017**

Karamjeet Singh Petitioner

Versus

State of Haryana Respondent

**2. CRR No.1089 of 2014 (O&M)
Date of decision : July 04, 2017**

Lilu Ram and others Petitioners

Versus

State of Haryana Respondent

**3. CRR No.1090 of 2014 (O&M)
Date of decision : July 04, 2017**

Surender Mohan Petitioner

Versus

State of Haryana Respondent

**4. CRR No.1099 of 2014 (O&M)
Date of decision : July 04, 2017**

Jasbir Singh Petitioner

Versus

State of Haryana Respondent

**5. CRR No.1168 of 2014 (O&M)
Date of decision : July 04, 2017**

Ram Kumar Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Shweta Nahata, Advocate for the petitioner(s)
in CRR Nos.1087, 1089, 1090 and 1099, of 2014 and
Mr. Rakesh Nagpal, Advocate for the petitioner
in CRR No.1168 of 2014.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This order of mine shall dispose of five criminal revision petitions bearing CRR No.1087, 1089, 1090, 1099 and 1168 of 2014, arising out of the same FIR No.334, dated 01.10.2010, under Section 7 of the Essential Commodities Act, 1955 (for short 'the Act'), registered at Police Station Ratia.

In nutshell, the allegations against the accused-revisionists are that on 30.09.2010 on a raid being conducted, the accused-revisionists were found in possession of different Liquefied Petroleum Gas (for short 'LPG') cylinders, which were meant for domestic purpose and were being used at different commercial establishments for non-domestic purpose, which is contravention of Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000 made under Section 3 of the Act. Learned Sub Divisional Judicial Magistrate, Ratia, vide judgment dated 21.09.2011 convicted all the accused- revisionists for the commission of offence punishable under Section 7 of the Act and vide order dated 24.09.2011 sentenced them to undergo rigorous imprisonment for one year and to pay a

fine of ₹2,000/- each and in default of payment of fine they shall further undergo rigorous imprisonment for one month each.

The appeals filed before the learned Additional Sessions Judge, Fatehabad were dismissed on 20.03.2014 by a single judgment.

I have heard learned counsel for the revisionists and have also carefully gone through the case file.

The short prayer made at this stage is for leniency in the sentence. The prayer has also been made that except accused-revisionist, Karamjeet Singh, who was a previous convict, all the accused-revisionists are first offender and they should be released on probation, stating that they are of young age.

Under Section 7 (1)(II) of the Act, the minimum sentence is of three months, which may extend to seven years in addition to fine. The prayer of probation was considered by the lower court, which observed that due to misuse of LPG for commercial purpose, there is long que outside the LPG agencies. The accused-revisionists were involved in illegal activities. The said prayer was also considered by the first appellate court, which also declined the benefits of probation of the accused-revisionists.

I am of the view that in case of misuse of LPG, which is meant for general public, general public has to suffer. Since except Karamjeet Singh, remaining accused-revisionists are first offender, therefore, some leniency in the sentence is possible. Thus, sentence awarded of rigorous imprisonment of one year each is reduced to three months each while the sentence of fine is maintained. The accused-revisionists in all the revision petitions be committed to the jail to undergo the remaining sentence.

With this modification, all the revision petitions are dismissed.

July 04, 2017

sarita

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned Yes

Whether Reportable: No