

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

Criminal Revision No. 585 of 2008 (O&M)

Date of decision: 21.9.2018

Balwinder Singh

.. Petitioner

VS

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. G. S. Sidhu, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

Petitioner having been convicted for commission of offence under Section 61(1)(c) of the Punjab Excise Act, 1914, by the trial court and directed to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹ 5,000/-, filed appeal before the learned Additional Sessions Judge, Fast Track Court, Sirsa, where the same was upheld. He filed the present petition against both the orders.

As per the custody certificate available on record, the petitioner has undergone actual imprisonment of one month and twenty days. The recovery was shown to be 150 kg lahan, four bottles of illicit liquor contained in a yellow coloured plastic can and 10 bottles of illicit liquor contained in another plastic can, after taking sample of 1/4th bottle of illicit liquor.

Be that as it may, considering the aforesaid fact where out of six months sentence awarded to the petitioner, he has already undergone actual imprisonment of one month and twenty days, case being 21 years old, the present petition is accepted to the extent that the conviction of the petitioner is upheld, however, instead of undergoing the imprisonment for the remainder sentence, the petitioner shall be released on probation on his executing bonds to the satisfaction of Chief Judicial Magistrate, Sirsa. The petitioner is also directed to file an undertaking to keep peace and maintain good behaviour and to appear and undergo sentence as and when called upon to do so.

The petition is disposed of in the aforesaid manner.

21.9.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No