

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

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CRR No.1953 of 2008 (O&M)
Date of decision : 23.07.2019

Jaswinder Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders of the trial Court and the Appellate Court, whereby he has been convicted under Section 61(1)(C) of the Punjab Excise Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹ 5,000/-, in default thereof to further undergo rigorous imprisonment for one month.

Learned counsel for the petitioner contends that the allegations against the petitioner are that working still, 180 kgs. of lahan and 9 bottles of illicit liquor containing 570 ml. each were recovered from him. There is no independent witness to the recovery. Learned counsel also contends that the petitioner is not challenging his conviction and would confine his prayer to the reduction in the quantum of sentence to the period already undergone. The petitioner has already undergone total sentence of over six months out of the sentence of one year.

Learned State counsel has filed custody certificate dated

22.07.2019 in Court which is taken on record. This certificate indicates that

the petitioner has already undergone total sentence of six months fifteen days out of the sentence of one year and is not involved in any other case.

Heard.

The allegations against the petitioner are that working still, 180 kgs. of lahan and 9 bottles of illicit liquor containing 570 ml. each were recovered from him. The petitioner is facing protracted criminal proceedings since 2001 and is not involved in any other case. There is no independent witness to the recovery. The petitioner has already undergone sentence of six months fifteen days. It would, therefore, be in the interest of justice if the sentence of the petitioner is reduced to the period already undergone. While maintaining his conviction under Section 61(1)(C) of the Punjab Excise Act, the sentence of the petitioner is reduced to the period already undergone.

With the above modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 23, 2019
sonia gugnani

Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No