

In the High Court of Punjab and Haryana at Chandigarh

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CRR-2521-2008 (O & M)
Date of Decision: 16.07.2019

DARSHAN LAL AND ANR.

.....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arshdeep Singh, Advocate for
Mr. Balteej Singh Sidhu, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the judgments of the Courts below whereby they have been convicted under Section 61 (1)(C) of the Punjab Excise Act and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default thereof to further undergo rigorous imprisonment for two months.

Learned counsel for the petitioners states that he is confining his prayer in this petition to the sentence which may be reduced to the period already undergone. He further states that the allegations against the petitioners are that working still, 25 litres of lagan and 5 bottles of liquor containing 750 ml. each were recovered from them. The petitioners have undergone total sentence of over 1 month out of the sentence of one year. They are not involved in any other case. There is no independent witness to the recovery.

Learned State counsel has filed the custody certificate which is taken on record. This certificate, which was issued on 15.07.2019, indicates that the petitioners had undergone total sentence of 1 month and 09 days.

Heard.

The allegations against the petitioners are that working still, 25 litres of lahan and 5 bottles of liquor containing 750 ml. each were recovered from them. The petitioners are facing protracted criminal proceedings since 2001 and the petitioners are not involved in any other case. There is no independent witness to the recovery. The petitioners have undergone sentence of 1 month and 9 days.

It would, therefore, be in the interest of justice, if the sentence of the petitioners are reduced to the period already undergone by them.

Consequently, while maintaining the conviction, the sentence of the petitioners is reduced to the period already undergone by them.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 16, 2019

A.Kaundal

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