

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

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CRR-805-2008 (O&M)

DATE OF DECISION: 04.07.2019

RESHAM SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rajat Dogra, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Section 61 (1) (c) of the Punjab Excise Act, 1914 and sentenced to undergo rigorous imprisonment for a period of one year along with fine of Rs.5000/-.

Learned counsel for the petitioner contends that he is not challenging the conviction and would confine his prayer to the quantum of sentence which may be reduced to the period already undergone by him. He submits that the allegations against the petitioner are that when a raid was conducted at his house, 15 Kgs of lahan along with two bottles of 750 ml each of illicit liquor were recovered. Learned counsel further contends that the petitioner is not involved in any other case and has been facing criminal proceedings for over 20 years. There was no independent witness at the time of raid although it had taken place in the morning. His house is surrounded by several other houses in the abadi of the village. The case property was also not produced before the Magistrate.

Learned State counsel contends that the sentence of imprisonment given to the petitioner is on the lower side and the petitioner should undergo the entire sentence.

Heard.

The allegations against the petitioner are that he is found in possession of 15 Kgs of lahan and two bottles of illicit liquor. There was no independent witness to the recovery. The petitioner is facing protracted proceedings for over 2 decades. He is not involved in any other case. It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

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

With this modification, the petition stands disposed of.

04.07.2019

(ANUPINDER SINGH GREWAL)
JUDGE

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No