

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

215

**CRR-883-2008 (O&M)
DATE OF DECISION: 15.07.2019**

JAGSIR SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. H.S. Rakhra, 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 of the Punjab Excise Act and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.5,000/-.

Learned counsel for the petitioner states that he is confining his prayer in this petition to the sentence which may be reduced to the period already undergone.

Learned State counsel has referred to the custody certificate which is already on record.

This certificate, which was issued on 25.08.2008, indicates that the petitioner had undergone total sentence of 4 months and 16 days. The sentence of the petitioner was suspended by the order dated 08.09.2008. Therefore, the petitioner would have undergone about 5 months out of the total sentence of 1 year.

The allegations in the FIR are that a working still, 30 liters of *lahan* and 3/4 bottle of illicit liquor was recovered from the fields of the petitioner where fodder was grown. There is no independent witness to the recovery. The incident is alleged to have taken place on 20.10.2001 and, therefore, period of 18 days had elapsed. The petitioner is facing protracted criminal proceedings and there is nothing on record to suggest that the petitioner was involved in any other similar case. The petitioner has undergone total sentence of about 5 months out of the sentence of 1 year.

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.

15.07.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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