

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1172-2018 (O&M)

Date of decision: 13.03.2019

Mehar Singh

..... Petitioner

Versus

The State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. AK Walia, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

The instant revision has been preferred by petitioner-Mehar Singh, against judgment dated 12.02.2018, of learned Additional Sessions Judge, Mansa, affirming the judgment of conviction and order of sentence dated 28.04.2014 of learned Judicial Magistrate Ist Class, Mansa, whereby, he along with his co-accused was held guilty under Section 61(1)(c) of the Punjab Excise Act (for short, "Act").

In nutshell, petitioner along with his co-accused was booked, tried, convicted in case FIR No.387 dated 22.06.2011, under Section 61 of the Act, Police Station Bhikhi and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5000/-. In default of payment of fine, to further undergo rigorous imprisonment for

15 days.

At the very outset, learned counsel for the petitioner contends that he does not challenge the impugned judgment dated 12.02.2018 of the Appellate Court and judgment/order dated 28.04.2014 of the trial Court qua holding the petitioner guilty under Section 61 of Act. However, he prays for some leniency in the matter of his sentence, submitting that petitioner is the first offender. The petitioner has already deposited the fine amount as mentioned in the judgment of the trial Court dated 28.04.2014.

As per custody certificate dated 13.03.2019, the petitioner has undergone 5 months and 17 days, out of the total sentence of 1 year.

The petitioner, who is present in Court undertakes not to repeat any offence in future. The sentence awarded to him is one year rigorous imprisonment. He is the first offender. He has already faced protracted trial for around 8 years. In the opinion of this Court, no useful purpose would be served by keeping the petitioner in the company of hardcore criminals. Therefore, releasing him on probation seems to be best option.

Accordingly, affirming the order of conviction of the petitioner, he is ordered to be released on probation of good conduct for one year on his furnishing probation bonds and surety bonds to the satisfaction of the trial Court. During the period of probation, petitioner shall continue to maintain good behaviour and keep peace. In case of breach of any of the conditions of the bond, he will be liable to serve the

remaining part of the sentence as and when called upon to do so.

With the observations made above, present revision petition is disposed of.

March 13, 2019
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(RAMENDRA JAIN)
JUDGE

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