
Harbans Singh and another v. State of Punjab

Present: Mr. Balraj Singh Sidhu, Advocate,
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab

Case heard via video conferencing.

On February 26, 2021 the following order had been passed by this
court:-

“Case heard via video conferencing.

This Criminal Revision petition has been filed by the petitioners against the judgment and order of sentence dated 16.03.2016, passed by the learned Sub-Divisional Judicial Magistrate, Talwandi Sabo, by which the petitioners were convicted under the provisions of Section 61 of the Punjab Excise Act, 1914, and sentenced to one years' rigorous imprisonment, with a fine of Rs. 1,000/- imposed each of them. The appeal filed by the petitioners before the Additional Sessions Judge, Bathinda, has also been dismissed on 09.02.2021.

At the outset itself, learned counsel for the petitioners submits that the petitioners are not pressing the petition on the merits thereof and are restricting their prayer only to the quantum of sentence, they having been sentenced to one years' rigorous imprisonment with a fine of Rs. 1,000/- imposed upon each of them.

In view of the statement made above, notice of motion is issued in the petition, as also in the application seeking suspension of sentence, restricted to the question of sentence alone.

On the asking of the court, Mr. Sandeep Singh Deol, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 27.04.2021.

Learned State counsel would get the affidavit of a gazetted officer filed with regard to the stand of the State on the aforesaid contention, as also stating therein as to whether there are any other criminal cases registered against the petitioners and the exact status thereof.”

Thereafter, as noticed in the order dated 05.07.2021, learned State counsel had submitted that as per the reply of the DSP, Sub-Division Rural, Bathinda, against petitioner no.1, Harbans Singh, there are 7 other FIRs registered, four under the provisions of the Punjab Excise Act, 1914, one under the provisions of the NDPS Act, 1985 and one alleging therein the commission of an offence punishable under Section 302 of the IPC.

As regards that FIR, he is shown to have been acquitted on 11.02.2012, as he also was in another case registered as regards an offence punishable under Section 420 of the IPC; as also in one case registered under the provisions of Section 61 of the Punjab Excise Act, 1914. However, he is shown to have been convicted for the commission of an offence punishable under Section 15 of the NDPS Act, 1985, on 06.09.2006, as also in another case registered under the same provision of the Punjab Excise Act, 1914 (on 03.10.2008), with one case under the same Act under investigation and one under trial, again under the same Act.

Hence, as regards petitioner no.1, with the petition in any case not being pressed on the merits thereof, I do not find any ground to reduce the sentence imposed upon him by the learned courts below, of one years' rigorous imprisonment after his conviction for the commission of an offence punishable

under Section 61 of the Punjab Excise Act, 1914. Therefore, the petition is dismissed qua him.

As regards petitioner no.2, Sandeep Kaur, the affidavit of the DSP states to the effect that no other criminal case stands registered against her.

Consequently, as regards petitioner no.2, Sandeep Kaur, the petition is allowed to the extent that the sentence of one years' rigorous imprisonment imposed upon her by the learned courts below is reduced to the extent already undergone by her prior to her release on interim bail by this court vide its order dated July 05, 2021 (5 months and 20 days as per the custody certificate supplied to learned State counsel).

Since the sentence has been reduced to the extent of imprisonment undergone by her prior to her release on interim bail (upon furnishing adequate bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned), obviously the said bonds would stand discharged as per law.

The affidavit filed by the DSP, dated 24.04.2021, is ordered to be taken on record.

August 02, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE