

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

CRR-1430-2021 (O&M)

Date of Decision: 30.11.2021

Sadha Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S.Sidhu, Advocate, for the petitioner.
Mr. Harbir Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

CRM-38547-2021

In view of the reasons mentioned in the application, the same is allowed as prayed for and the copy of the petitioner's Aadhar Card is taken on record as Annexure P-1, subject to all just exceptions.

CRR-1430-2021

1. The petitioner assails judgment dated 07.02.2020 passed by the Court of Additional Sessions Judge, Mansa, whereby his appeal challenging his conviction, as recorded by learned Judicial Magistrate 1st Class, Budhlada for an offence under Section 61(1)(c) of the Punjab Excise Act vide its judgment dated 03.08.2015, has been dismissed.
2. The case of the prosecution, in nutshell, is that on 08.10.2012, when a police party headed by HC Satnam Singh was patrolling in the area of

Village Dalel Singh Wala, a secret information was received to the effect that Sadha Singh (petitioner) indulges in distilling illicit liquor and had installed a working still in his house. Upon receipt of said information, a raid was conducted at the house of Sadha Singh, where he was found distilling illicit liquor in the kitchen of his house. A working still was found at the house. The accused was arrested and *Lahan* weighing 100 Kgs. was also taken into possession from the spot.

3. Upon conclusion of investigation, challan was presented against the accused and trial proceeded before the learned Judicial Magistrate 1st Class, Budhlada. Learned Judicial Magistrate 1st Class, Budhlada vide its judgment dated 03.08.2015 held that the prosecution has been able to substantiate the charges framed against the accused for having been found distilling illicit liquor and for having been found in possession of 100 Kgs. of *Lahan*. Consequently, the petitioner was sentenced to undergo RI for a period of 1 year and was also imposed a fine amounting to Rs.5000/-. The said judgment dated 03.08.2015 passed by the learned Judicial Magistrate 1st Class, Budhlada was challenged by the petitioner by way of filing an appeal in the Court of Additional Sessions Judge, Mansa, which was dismissed vide judgment dated 07.02.2020, which has been assailed by way of filing the instant petition.
4. I have heard learned counsel for the petitioner and have also perused the judgment of learned Judicial Magistrate 1st Class, Budhlada and also the judgment passed by the learned Additional Sessions Judge, Mansa.
5. This Court finds that it is a case where the accused was caught red-handed while distilling illicit liquor and a working still was also found from his residence apart from 100 Kgs. of *Lahan*. Although it is correct that no

independent witness was joined by the police, but there is nothing on record to show that the official witnesses were biased in any manner against the petitioner or had any axe to grind against him so as to falsely implicate him. The witnesses were cross-examined at length, but nothing favourable to the case of the petitioner/accused could be elicited during the course of their cross-examination. Both the Courts below have marshalled the evidence at length and the findings of guilt as recorded by the trial Court and as affirmed by the lower Appellate Court are based on the evidence led by the prosecution. In these circumstances, this Court does not find any infirmity in the findings of conviction as recorded by the trial Court and as affirmed by the lower Appellate Court and the same are hereby affirmed.

6. However, there is some room for reduction in sentence particularly keeping in view the fact that the petitioner is aged about 65 years and is not stated to be involved in any other case and has already undergone a sentence of 7 months & 12 days including an actual sentence of 6 months & 22 days.
7. Having regard to the advanced age of the petitioner and while also noticing that he is not involved in any other case and has already undergone a substantial part of sentence, the sentence as imposed by the learned trial Court and affirmed by the Lower Appellate Court is hereby reduced from 1 year to the one already undergone. The fine shall, however, remain unaltered.
8. The revision petition stands disposed of accordingly except for the aforesaid modification in sentence.

9. Since main petition itself stands disposed of, no orders are required to be passed in CRM-38550-2021 re: suspension of sentence.

30.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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