

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

**CRM-M-419-2022**

**Date of Decision: 14.1.2022**

Yuvraj Gambhir

**....Petitioner**

**VERSUS**

State of Punjab

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Vishal Sharma (Vasudeva), Advocate,  
for the petitioner.

\*\*\*\*\*

**KARAMJIT SINGH, J. (Oral)**

Case has been heard through video conferencing on account of Covid-19 Pandemic.

The petitioner was convicted and sentenced to RI for 2 years and to pay fine of ₹ 2 lakhs and in default to further undergo RI for 2 months under Section 61(1) of Punjab Excise Act. His appeal was admitted by the Court of Additional Sessions Judge, Hoshiarpur vide order dated 27.12.2021 (Annexure P-3). The petitioner was ordered to be released on bail but recovery of fine was not stayed. This petition has been preferred by the petitioner to seek a direction staying recovery of fine during the pendency of the aforesaid appeal.

Notice of motion.

Mr. B.S.Sewak, Addl. AG, Punjab, accepts notice on behalf of the State of Punjab.

The case is relating to recovery of 30 boxes of HI Speed

District Hoshiarpur.

This Court is of the view that fine of ₹ 2 lakhs in such like case is on higher side. Even otherwise, as the appeal filed by the petitioner has been admitted by the Court of Additional Sessions Judge, Hoshiarpur, in that situation while granting the bail to the petitioner, recovery of certain percentage of fine atleast should have been stayed by the first appellate Court, otherwise, purpose of filing the appeal would have been frustrated.

For the reasons assigned above, impugned order is hereby set aside and prayer to stay realisation of fine till disposal of the appeal filed before the Additional Sessions Judge, Hoshiarpur, is partly allowed and the petitioner is ordered to be released on bail subject to deposit of ₹ 25,000/- out of the total fine of ₹ 2 lakhs.

Any observations made hereinabove are not going to affect the merits of the case.

Petition stands disposed of.

**January 14, 2022**

Paritosh Kumar

**( KARAMJIT SINGH )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No