

2024:PHHC:015566

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(281) CRM-M-820-2019  
Date of decision:- 05.02.2024.

Kamaljit Saxena ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Gurvesh Singh Khokhar, Advocate  
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab  
along with ASI Jasbir Singh.

**PANKAJ JAIN, J. (Oral)**

1. Learned State counsel has produced the order of learned trial  
Court dated 17.08.2019 as under:-

*Accused appeared. Heard on the application under section 75 (2) of the Excise Act. The present FIR was lodged against the accused on the allegations that on 15.12.2017, 28 boxes of country made liquor (Haryana) were recovered from the accused and the FIR was lodged against the accused on 15.12.2017, however, challan has been presented on 21.12.2018, hence challan in question has been presented after more than one year from the date of lodging of the present FIR. No application has been moved by the prosecution for condoning of the delay and even on perusal of the challan it reflects that no efforts were made by the concerned police for getting sanction from the Home Department for condoning of delay. As per section 75(2) of the Punjab Excise Act, challan has to be presented within one year from the date of lodging of the FIR, however, present challan has been presented after lapse of one year,*

*hence bare provision of Excise Act coupled with Section 468 of the Cr.PC, bars the Court to take cognizance against the accused. Accordingly accused stands discharged. His bail bonds and surety bonds also stand discharged. File be consigned to the Record Room.*

2. In view of the above, the present petition is dismissed as having been rendered infructuous.
3. Ordered accordingly.

(PANKAJ JAIN)  
JUDGE

5<sup>th</sup> February, 2024  
*spn*

Whether speaking/reasoned : Yes  
Whether Reportable : No