



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRR No.320 of 2025 (O&M)
Date of Decision :11.11.2025

Ravinder @ Naminder Kumar

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Vishal Rattan Lamba, Advocate for the petitioner.

Mr. Vijay Kumar, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 61 of Punjab Excise Act, the FIR No.210 dated 16.08.2015 was lodged in police Station Agroha, Hisar. With regard to above mentioned FIR the petitioner was sent to face trial before the Court of learned Judicial Magistrate, hereinafter being referred to as ‘learned trial Court’. After trial the Court of learned Judicial Magistrate held the petitioner guilty for the commission of above mentioned offence, by virtue of judgment of conviction dated 15.05.2017, and on the same day, by virtue of order on quantum of sentence awarded following sentence, to the petitioner:-

Offence	Imprisonment	Fine	In default of payment of fine
61 of Punjab Excise Act	imprisonment for 6 months	Rs.500/	-----

2. Aggrieved of the above mentioned judgment of conviction and



order of sentence, the petitioner preferred an appeal in the Court of learned Additional Sessions Judge, Hisar, hereinafter being referred as Appellate Court. However, the appeal preferred by the petitioner did not find favour in the appellate Court and by virtue of judgment dated 17.01.2025 the same has been dismissed.

3. In nut-shell the facts emerging from record are that the above mentioned FIR came into being when on the basis of a secret information a police party headed by ASI Surajbhan apprehended the petitioner who was selling liquor on road side near ply factory. As per prosecution on interrogation the petitioner had disclosed his name to be 'Ravinder', and from his possession 4 boxes of factory made country liquor were recovered. It is the case of the prosecution that since the petitioner could not produce any permit or licence for being in possession of above mentioned liquor, the above mentioned liquor was seized, the FIR was lodged, and the investigation taken up.

4. Heard.

5. At the threshold itself, it has been contended by learned counsel for the petitioner that he has instructions not to press the instant appeal with regard to judgment of conviction, and that qua above mentioned component the present appeal may be dismissed.

6. In view of above mentioned submissions of learned counsel for the petitioner, as the present appeal is not being pressed qua the judgment of conviction, the same is hereby **dismissed** qua abovementioned part. As a result thereof, the judgment of conviction passed by the learned trial Court, and duly affirmed by learned Appellate Court, is hereby upheld.

7. The learned counsel for the petitioner has also argued that in the present case the petitioner who has no criminal antecedents has been awarded a



harsh punishment i.e. for being in possession of factory made country liquor, as he has been sentenced to undergo imprisonment for a period of 6 months. According to learned counsel for the petitioner the petitioner has already undergone sentence for a period of 18 days, i.e. since 17.01.2025 (when appeal was dismissed and the petitioner was taken into custody) till 06.02.2025 (when the sentence was suspended by this Court). As per learned counsel for the petitioner in addition to above the fine imposed upon the petitioner has already been paid. The learned counsel for the petitioner has urged that being the first offender the sentence awarded to the petitioner may be restricted to the period he has already undergone.

8. Per contra, the learned State counsel has argued that the nature of offence committed by the petitioner does not warrant a lenient view, and that, in fact, the allegations against the petitioner are for being in possession of large quantity of factory made country liquor without any permit or licence. According to learned counsel for the petitioner the revision petition qua quantum of sentence has got no merit and deserves dismissal.

9. The record has been perused carefully.

10. A careful perusal of record shows that there is nothing on record to show that the petitioner is a habitual offender or that he has criminal antecedents. In addition to above, it is also relevant to mention here that the offence allegedly committed by the petitioner is triable by the Court of Judicial Magistrate only and a sentence for imprisonment for a period of 18 days has already been served by the petitioner. In my opinion, the sentence already served by the petitioner, in itself, is sufficient to meet the ends of justice.

11. In view of above mentioned observations it is hereby held that the contention raised by learned counsel for the petitioner, to restrict the sentence



for the period the petitioner has already undergone in this case has got merit. Thus qua the above mentioned component the revision petition preferred by the petitioner is hereby **accepted** and by modifying the judgment passed by the learned trial Court on the point of quantum of sentence, the sentence awarded to the petitioner is restricted to the period he has already undergone.

12. With the above mentioned observations the present petition stands partly allowed accordingly.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

11.11.2025
Manoj Bhutani

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