



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1136-2009 (O&M)
Date of Decision:17.03.2026

Jagtar Singh @ Jagga

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Amit Bansal, Advocate as Amicus Curiae
for the petitioner.

Mr.Bhanu Partap Singh, Addl. A.G., Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 15.04.2009, passed by the Court of Additional Sessions Judge (Fast Track Court), Bathinda and the impugned judgment of conviction and order of sentence dated 29.01.2007, passed by the Court of Chief Judicial Magistrate, Bathinda, whereby the petitioner was ordered to be convicted for the offence punishable under Section 7 of Essential Commodities Act and was sentenced as under:-

Under Section 7 of Essential Commodities Act	R.I for a period of one year and fine of Rs.500, in default of payment of fine, to further RI for a period of one month.
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2. The brief facts of the case are that on 21.02.2000, S.I Harbans Singh alongwith ASI-Amar Singh and other police officials were present at ITI Chowk, Bathinda, where ASI-Amar Singh received secret information, which he passed on to S.I., to the effect that accused used to sell the oil diesel, on



premium, as compared to Petrol Pumps, after purchasing the same at lower prices and if raid is conducted, diesel oil can be recovered from his possession. Information being reliable, S.I. Harbans Singh contacted Jangir Singh, DFSC, Bathinda on telephone, who told about arrival of Sh. Harjas Singh Brar, Inspector Ist Grade at the spot. ASI-Gurdev Singh then handed over Rs.50/- bearing number JAR-875787 after initialing for purchase of 5 liter diesel from the accused and directed HC-Gurkirat Singh that he alongwith ASI-Gurdev Singh heard the communication between accused and ASI-Gurdev Singh and directed him that when ASI-Gurdev Singh will purchase the diesel, then HC-Gurkirat Singh to make the signal by putting his hand on his head. They went at the spot for raid and on receiving the signal, apprehended the accused. On personal search of accused, Rs.70/- were recovered including Rs.50/- numbery note, which were taken into possession. Accused was arrested. Statement of the witnesses were recorded. Site plan of the place of recovery was prepared. Case property was taken into possession. Separate sample seal was prepared. After completion of necessary investigation, challan was presented against the accused.

3. After perusing the challan and accompanying documents, the Trial Court found a prima facie case under Section 7 of Essential Commodities Act against the present petitioner and the petitioner was charge-sheeted accordingly. However, the petitioner pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 07 witnesses. PW-1 Kulbhushan Singla, Inspector, Food Supply Department, PW-2 S.I Harbans Singh, I.O, PW-3 ASI Gurdev Singh, PW-4 ASI



Amar Singh, PW-5 H.C Gurpal Singh, PW-6 Harjas Singh Brar and PW-7 Ct. Balbir Singh.

5. After the closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C was recorded and all the incriminating evidence was put to him, however, he denied the same and pleaded false implication.

6. No defence evidence was led by the petitioner in the present case.

7. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully.

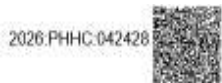
8. In the present case, in order to prove the charge the prosecution examined Kulbhushan Singla, Inspector, Food Supply Department as PW-1, he proved on record that the petitioner was not the licensee of the department and he was not authorized to sell kerosene oil. PW-2 S.I Harbans Singh, I.O proved on record the investigation in the present case. He reiterated the averments made in the complaint against the present petitioner. The prosecution further examined PW-3 ASI Gurdev Singh, PW-4 ASI Amar Singh, PW-5 H.C Gurpal Singh and PW-6 Harjas Singh Brar, who corroborated the testimony of PW-2, S.I Harbans Singh. PW-7 Constable Balbir Singh tendered his affidavit, in which he deposed that on 01.03.2000, he received two bottles of diesel measuring 750 ml each from AMHC Gurpal Singh and deposited the same with the Chemical Examiner, Chandigarh in an intact condition.

9. From the evidence led by the prosecution, it was apparent that the petitioner was selling high speed diesel on a higher price after purchasing at cheaper price from the black market and he had committed the offence under Section 7 of the Essential Commodities Act. Even, a raid was conducted on the



shop adjoining the shop of spare parts of the petitioner and the currency notes, which were given to him for purchasing the diesel were recovered from him. Even, the search of the room of the petitioner was made and from one room, one drum of 200 litres, one iron funnel, one measure and one empty container were recovered. Even, the samples were drawn and were sent to the Chemical examination for analysis. Thus, the prosecution evidence shows that the petitioner had committed the offence under Section 7 of the Essential Commodities Act. Even otherwise, I have perused the judgments passed by both the Courts and learned counsel for the petitioner has failed to point out any illegality or irregularity in the said judgments and the impugned judgments of conviction are liable to be upheld by this Court.

10. Now, advertent to the order of quantum of sentence, it is apparent from the record that the present petitioner is facing prosecution in the present case since 21.02.2000 i.e. for the last 26 years. Even, he was never involved in any other crime in his life. Still further, the sentence imposed on the petitioner was ordered to be suspended on 30.05.2009 and since then he has maintained good conduct. Still further, even, he did not repeat the crime during this period. In the present case, during the course of hearing, learned State counsel has placed on record the custody certificate of the petitioner and as per the same, the petitioner has already undergone 01 month and 24 days of actual custody, out of total sentence of 01 year and this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Consequently, the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him in the present case. However, amount of fine imposed on him shall remain



the same.

11. With the above modifications, the present revision petition is partly allowed and the judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain the same.

12. All other pending applications, if any, stand also disposed of, accordingly.

17.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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