

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRR No.199 of 2009 (O&M)
Date of Decision :17.02.2026

Yadwinder Singh @ Pappu

.....Petitioner

Versus

State

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. P.S.Dhaliwal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 61-1-14 of Punjab Excise Act, the FIR No.7 dated 12.01.2002 was lodged in police Station Tapa. With regard to above mentioned FIR the petitioner was sent to face trial before the Court of learned Judicial Magistrate Ist Class, Barnala, hereinafter being referred to as ‘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 08.03.2007, 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	Rigorous imprisonment for 1 year	Rs.3000/	Rigorous imprisonment for 3 months

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, Barnala, hereinafter being referred as 'Appellate Court'. The appeal preferred by the petitioner was partly accepted by maintaining the conviction but the quantum of sentence was reduced for a period of 6 months vide judgment dated 10.01.2009.

3. Feeling aggrieved of the judgment of conviction and order of sentence dated 08.03.2007, passed by the learned trial Court, and the judgment dated 10.01.2009, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioner.

4. In nut-shell the facts emerging from record are that the above mentioned FIR came into being at the instance of 'ASI Rajinder Singh', who had reported that when he along with his companions was present on the drain bridge on the road leading from Tapa to village Daraj in discharge of patrolling duty, at about 6.40 P.M. he spotted a rickshaw puller coming from village Daraj side. According to above named police officer when signaled the accused stopped the rickshaw and on checking it was found that in the rickshaw he was carrying 6 cartons of country made liquor, i.e. Patiala Santra (total 12 bottles each). As per prosecution on interrogation the petitioner disclosed his name as 'Yadvinder Singh'. 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.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserve to be set aside being an



outcome of non-application of judicial mind. According to learned counsel for the petitioner, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate the fact that necessary ingredients meant for the commission of offence punishable under Section 61-1-14 were not established by the prosecution as per the standard required under the law.

8. As per learned counsel for the petitioner, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioner guilty, and that despite numerous deficiencies in prosecution case, which were duly pointed out, the learned Appellate Court, has not set aside the judgment of conviction and accepted the appeal partly, only qua the quantum of conviction.

9. During the course of arguments, the learned counsel for the petitioner has also contended that in the instant revision petition, the petitioner is not inclined to challenge the findings of conviction recorded by the learned trial Court, duly affirmed by the learned Appellate Court. The learned counsel for the petitioner has categorically contended that at this stage, by virtue of present petition, the petitioner is only challenging the order on quantum of sentence.

10. It has been further contended by learned counsel for the petitioner that the incident had taken place way back in the year 2002, and that, on completion of trial, when the petitioner was convicted, he preferred an appeal before the learned Appellate Court, which was decided in the year 2009, and thereafter, the present revision petition has been filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last more than 24 years and has already suffered the deserved punishment.

11. In addition to above, the learned counsel for the petitioner has also



argued that in the present case, the petitioner has already served a sentence for a period of 25 days (including remission), and that by treating the above-discussed factors, the sentence already undergone by the petitioner may be treated to be sufficient.

12. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Section 61-1-14 of Excise Act. According to learned State counsel, the sentence awarded to the petitioner, i.e. imprisonment for a period of one year, has already been reduced to 6 months and that the above mentioned sentence, is already on lower side. As per learned State counsel, in view of above the petitioner is not entitled for a sentence of imprisonment for a period of less than 6 months. As per learned State counsel, the instant revision petition has no merit and deserves dismissal.

13. The record has been perused carefully.

14. Once it is a categorical stand of the petitioner that he is not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court, with regard to conviction of petitioner under Section 61-1-14 of Excise Act. Accordingly, the abovementioned finding is hereby affirmed.

15. As far as the order on quantum of sentence is concerned, it is hereby held that the petitioner is entitled for a lenient view, and that the sentence awarded to the petitioner, i.e. imprisonment for a period of 06 months, is harsh. Thus, it is hereby held that with regard to quantum of sentence, there is need for interference and indulgence by exercising the revisional jurisdiction of this Court.



16. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration:-

(a) that the incident in question had taken place about 24 years ago;

(b) that the petitioner is facing the agony of protracted trial for the last 24 years and he has already served a sentence for imprisonment of 25 days (including remission);

17. As a cumulative effect of abovementioned observations, it is hereby held that in the present case the petitioner is entitled for a lenient view. Thus the sentence, which he has already been undergone by the petitioner in the present case, i.e. 25 days (including remission), is hereby held to be adequate to meet the ends of justice.

18. As a sequel to the aforesaid discussions, the present revision petition is hereby partly allowed. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him. The present revision petition stands partly allowed, accordingly.

19. Pending miscellaneous application(s), if any, stand(s) disposed of.

(SURYA PARTAP SINGH)
JUDGE

17.02.2026

Manoj Bhutani

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