

2026:PHHC:072109



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

207

**CRR 1114 of 2010**

Date of Decision: 07.05.2026

Bhura Singh and another

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Balram Singh, Advocate as Amicus Curiae  
for the petitioners.

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

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioners have filed the present revision petition against the impugned judgement of conviction dated 03.04.2010 passed by the Court of Sessions Judge, Mansa, and the judgement of conviction and order of sentence dated 11.09.2009 passed by the Court of Judicial Magistrate 1<sup>st</sup> Class, Mansa, whereby, the petitioners were held guilty for the commission of offences punishable under Section 61(1)(c) of the Punjab Excise Act and were sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.5,000/- alongwith default stipulation.

2. Brief facts of the prosecution case are that on 06.06.2002, ASI Pritpal Singh alongwith other police officials in connection with patrolling of villages Tamkot, Khiala Malakpur, Khiala Kalan etc, was present at Thuthianwali crossings, where ASI Pritpal Singh received a secret information that accused, Bhura Singh and Budh Singh, are

distilling illicit liquor in their fields known as Lakhean Wale in the area of village Khiala Kalan under the cluster of trees. Information being well founded, *ruqa* was sent to the police station, on the basis of which formal FIR was registered against the accused persons. Then the police party proceeded towards the house of accused and on the way at bus-stop, Khiala Kalan, Jang Singh Chowkidar of village Khiala Kalan, was joined with the police party and raided the place of recovery. Accused were found distilling illicit liquor by installing a working still. The construction of working still was that hearth was put underneath the earth and underneath of hearth, four wooden logs were burning and an iron *drumi* of horizontal shape, cut in round from the centre, was lying on it and at the cut place of *drumi* a *Chhakala* having a big pore in which a rubber was fitted, was leading to the plastic can of five litres and the liquor was being distilled in the plastic can in drops and on the *Chhakala*, a silver *bathal* filled with water was being used as cooler. The working still was broken and allowed to cool down. From the plastic can, 180 mls was taken out as sample. On measurement, the plastic can was having three bottles, each of 570 mls, of illicit liquor. The plastic can and the sample nip were sealed with the seal, bearing impressions 'PS'. Then iron *drumi* containing *lahan* about 90 Kgs was sealed with seal bearing impressions 'PS'. The seal after use was handed over to HC Basant Singh. The articles of working still i.e. *Drumi*, *Bathal*, *Chhakala*, plastic can of five litres, four wooden logs, plastic box, match box, pipe and sample seal were taken into possession vide recovery memo prepared at the spot. Rough site plan of the place of recovery, with

correct marginal notes, was prepared. Petitioners were arrested after disclosing them the grounds of arrest. Their personal search memo and arrest memo were prepared. Statements of the witnesses were recorded. *Lahan* was got tested from Excise Inspector Amrik Singh. Sample nip was sent to the office of FSL, Punjab, Chandigarh. After receipt of the report of FSL, Punjab, Chandigarh and completion of all other necessary formalities and investigation, the *challan* was prepared and presented in the Court.

3. After the presentation of *challan*, the petitioners were charge-sheeted for the offences punishable under Section 61(1)(c) of the Punjab Excise Act, to which, they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined HC Gurlal Singh as PW-1, Constable Amrik Singh as PW-2, Inspector Amrik Singh as PW-3, ASI Pritpal Singh as PW-4 and HC Basant Singh as PW-5. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statements of the petitioners were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that they have been falsely involved in the present case. No evidence was led in defence.

6. Learned counsel for the petitioners has argued that the accused has been falsely implicated in the present case. No independent witness was joined at the time of alleged recovery and the case of the prosecution is based only upon official witnesses. It is further argued that there are material discrepancies in the statements of the prosecution witnesses.

7. Learned State counsel has argued that the prosecution has duly proved its case against the accused beyond reasonable doubt. The accused were found in possession of a working still, 90 kg *lahan* and three bottles of illicit liquor without any licence. The statements of PW1 HC Gurlal Singh, PW2 Constable Amrik Singh, PW3 EI Amrik Singh, PW4 ASI Pritpal Singh and PW5 HC Basant Singh fully support the case of the prosecution and no material contradiction has appeared in their testimonies.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution examined PW4 ASI Pritpal Singh, who sent the *rukka*, Ex. PW4/A to the police station, on the basis of which formal FIR Ex.PW-4/B was registered. Then the police party proceeded towards the house of petitioners and on the way Chowkidar Jang Singh was joined as independent witness. Thereafter raid was conducted. Petitioners were found distilling illicit liquor by installing working still. The parts of the working still were taken into police possession vide recovery memo Ex.PW4/C. Ex.PW4/D Rough site plan of place of recovery, Ex.PW4/F personal search memo, Ex.PW4/E arrest memo, Ex.PG were prepared. PW5 HC Basant Singh also corroborated the statement of PW4 ASI Pritpal Singh. The prosecution also examined PW3 EI Amrik Singh, who was part of the process of recovery and fully supported the case of the prosecution. PW1 HC Gurlal Singh stated that he was working as MHC on the

relevant day and the articles of working still and *lahan* duly sealed were deposited with him and there was no tampering with the samples. PW2 Constable Amrik Singh submitted that on 17.06.2006, HC Gurlal Singh Singh handed over a sample nip, duly sealed, and he had deposited the nip with the office of FSL Chandigarh. He submitted that the case property remained intact till the period it remained in his possession. From the aforesaid evidence, it was proved that the petitioners were having a working still and *lahan* was also recovered from them. Consequently, the petitioners were rightly convicted for the commission of the offence punishable under Section 61(1)(c) of Punjab Excise Act. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld. The revision petition is ordered to be dismissed.

10. Now, adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 06.06.2002, i.e., for the last more than 23 years. At present, the petitioner No.1 is a senior citizen, aged about 80 years whereas petitioner No.2 is aged about 54 years. Even both the petitioners have undergone more than 02 months of actual sentence out of total sentence of 1 year. Even, their sentence was suspended by this Court on 02.06.2010 and in the last more than 15 years, they had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on them is reduced to

the period already undergone by them. However, the sentence of fine will remain the same.

11. The fee of Mr. Balram Singh, learned Amicus Curiae, who assisted the Court on behalf of the petitioner is assessed at Rs. 20,000/-. The fee shall be paid by the Secretary, High Court Legal Services Committee.

12. Pending applications, if any, stand also disposed of, accordingly.

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|------------|---------------------------|-----------------|
| 07.05.2026 |                           | (N.S.SHEKHAWAT) |
| amit rana  |                           | JUDGE           |
|            | Whether reasoned/speaking | : Yes/No        |
|            | Whether reportable        | : Yes/No        |