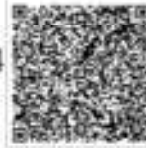


2026:PHHC:043224



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

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CRR 1395 of 2011

Date of Decision: 18.03.2026

Dalbir Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Nayandeep Rana, Amicus Curiae for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 30.05.2011 passed by the Court of Additional Sessions Judge, SAS Nagar, Mohali and the impugned judgment and order dated 16.02.2010 passed by the Judicial Magistrate 1st Class, Dera Bassi, whereby, the petitioner was ordered to be convicted for the commission of the offence punishable under Section 61(1)(a) of Punjab Excise Act, 1914 and he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/-, alongwith default stipulation.

2. The brief facts of the present case are that on 5.10.1999, DSP Harcharan Singh Bhullar, alongwith other police officials, was present near Bus stand Lalru Mandi, in connection with night patrolling duty. He received a secret information, that Dalbir Singh son of Sarwan

Singh, resident of Bhagrana, Police Station Bassi Pathana, District Fatehgarh Sahib, used to smuggle country made English liquor, and on that day, he was taking country made English liquor in heavy quantity from Chandigarh in a truck bearing No. CH01-A-6352. That if Naka was held, he could be apprehended. Believing the said information as true, the DSP sent a *Ruqa* through C-Joginder Singh, to the police station for registration of case, on the basis of which, a formal FIR was registered against the said accused. Thereafter, the police party headed by SI Sampuran Singh held a *Naka* on Chandigarh-Ambala road and apprehended the accused. Search of truck of the accused bearing No. CH01-A-6352, led to the recovery of 525 boxes, each containing 48 quarters of English liquor make Bonnie Scot Special Whisky, which were meant for sale in Chandigarh only. Accused was arrested, and his personal search was conducted. Samples and case property were sealed. The said truck and the case property were taken in police custody. Rough site plan of the place of recovery was prepared. Statements of witnesses were recorded. Investigation was conducted by SI Sampuran Singh. After the completion of investigation, *challan* against the accused was presented in the Court.

3. After perusing the *challan* and accompanying documents, the trial Court held that a *prima facie* case under Section 61(1)(a) of the Punjab Excise Act was made out against the petitioner and he was ordered to be charge-sheeted accordingly. However, the petitioner pleaded not guilty and claimed to be tried.

4. In order to prove the charge, the prosecution examined six witnesses, namely, PW-1 SI Sampuran Singh, PW-2 ASI Rajinder Singh, PW-3 C-Kuldeep Singh, PW-4 Rajesh Pal Singh, PW-5 ASI Phool Chand, PW-6 Harchand Singh Bhullar, and thereafter, evidence of prosecution was closed by order.

5. The entire incriminating evidence was put to the petitioner in the shape of his statement under section 313 Cr.P.C. and he termed the prosecution evidence as false and incriminating and submitted that he had been falsely involved in the present case. In defence, the petitioner did not lead any evidence.

6. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner.

7. Even though learned counsel for the petitioner does not wish to challenge the conviction, however, this Court has considered the case on merits.

8. In the present case, the prosecution examined PW1, Sampuran Singh, SI, who stated that from the truck which was driven by the petitioner, 525 boxes each containing 48 quarters of English liquor make Bonnie Scott Special Whisky were recovered. He further proved as to how he separated sample parcels from the said liquor, and the entire case property was taken in police custody. The said case property was deposited with PW-5 MHC Phool Chand, who vide his affidavit

Ex.PW5/A, has specifically stated that the case property was kept intact in his custody. The prosecution further examined PW3, Constable Kuldeep Singh, who stated that he had deposited the sample with the chemical examiner on 11.10.1999 in the intact condition. Still further, the prosecution examined PW4, Rajesh Pal, who stated that Udham Singh, resident of house No. 2341, Sector 40-D, Chandigarh, was the owner of the truck in question.

9. From the statements of the prosecution witnesses, it was apparent that from the truck driven by the petitioner, 525 boxes of English liquor, make Bonnie Scott, special whiskey, each box containing 48 quarters of liquor, were recovered, which were being illegally transported and the petitioner had been rightly convicted for the commission of the offence under Section 61(1)(a) of the Punjab Excise Act. Even otherwise, I have carefully perused the findings recorded by both the Courts and find no reasons to deviate from the same. Even, the learned counsel could not point out any infirmity in the judgments of conviction passed by both the Courts.

10 Now adverting to the order of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 05.10.1999, i.e., for the last more than 26 years. Still further, he is a first offender and was never involved in any other crime. Apart from that, the sentence imposed on the petitioner, was suspended on 13.09.2011 and in the last more than 14 years, he maintained good conduct and did not get involved in any other crime. Consequently, keeping in view the

aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the revision is partly allowed and impugned judgement dated 30.05.2011 passed by the Court of Additional Sessions Judge, SAS Nagar, Mohali and the impugned judgment and order dated 16.02.2010 passed by the Judicial Magistrate 1st Class, Dera Bassi, are upheld whereas 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. However, the sentence of fine will remain same.

12. This Court places on record a note of appreciation for Mr. Nayandeep Rana, Amicus Curiae, who had assisted the Court properly on behalf of the petitioner and the counsel's fees is assessed to be Rs.20,000/-. The aforesaid fee shall be paid by the Secretary, High Court Legal Services Committee.

13. All pending applications, if any, are disposed off, accordingly.

14. The case property, if any, may be dealt with as per the rules.

18.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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