



228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1729-2011(O&M)
Date of Decision: 12.03.2026

SI Darshan Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Vivek Salathia, Advocate
 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 judgment dated 09.07.2011 passed by the Additional Sessions Judge, Amritsar and the judgment of conviction and order of sentence dated 12.10.2009 passed by the Court of Judicial Magistrate 1st Class, Amritsar, whereby the petitioner was convicted for commission of the offence punishable under Section 61(i)(a) of the Punjab Excise Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.200/-, in default of the payment of fine, simple imprisonment for 15 days.

2. As per the prosecution story, on 20.11.1999, ASI Parshotam Singh along with certain police officials was present at Police Station and in the meantime, a special informer gave the information that two persons have been coming on a car from the side of Verka and they are bringing liquor in the said car. Number of the said car is HNX-659, colour white. If the search of the said car be made, liquor can be got recovered. It is further informed by the informer that said person used to sell the said liquor in different cities. Relying upon the



abovesaid information, Investigating Officer made alert to the police party. At about 7.30 P.M., then one white colour car Marka Ambassador bearing No. HNX-659 came from the Verka side. Investigating Officer with the police officials got stopped the said car in which two persons were traveling. The person, who was driving the car, disclosed his name as Harjinder Singh son of Mohinder Singh, resident of 129, Gurnam Nagar, Sultanwind, Amritsar and other person, who was sitting in the car, told his name as SI Darshan Singh 42/9 PAP son of Jai Singh, resident of Narangwal, P.S. Dehlon, District Ludhiana. Investigating Officer tried to join independent witnesses but no one became ready. Then he made the search of the car and found that on the backside seat of the car, four boxes of liquor Marka "London Dry Gin" on which it was written that only sale for Chandigarh and three boxes of "Bagpiper" English liquor recovered. When the dicky of the car was searched then 12 boxes of English liquor Marka "Bagpiper" recovered. All the above-said boxes were containing 12 bottles of liquor in each. A nip of 180 Mls separated from each bottle. Remaining liquor in the same bottles were sealed and put in the same boxes. Investigating Officer put his seal having impression as "PS" on the seal of the sample nips and the remaining liquor in the same bottles and vide recovery memo in the presence of the official witnesses, he took the sample nips as well as the liquor recovered from the possession of the accused, into police custody. Total bottles recovered came to the tune of 228 bottles i.e. 171000 Mls. Accused failed to show any license or permit to keep the abovesaid liquor in their possession. Site plan of the recovery place prepared, accused were arrested, car taken into police custody, statements of the witnesses recorded.



After completion of the investigation and receipt of the report of the Chemical Examiner, the challan against the accused filed.

3. After the presentation of challan, the trial Court found that a *prima facie* case under Section 61(1)(a) of the Punjab Excise Act, 1914 was made out against the petitioner. The petitioner pleaded not guilty and claimed to be tried by the trial Court.

4. During the course of trial, the prosecution examined PW-1 Tarsem Singh, PW-2 HC Ranjit Singh and PW-3 Vijay Kumar and all the three witnesses had fully supported the case of the prosecution. As per PW-1, he had taken the nips of this case to the office of the Chemical Examiner and tendered his affidavit (Ex.PY) in the prosecution evidence. He was not even cross-examined by the defence. PW-2 HC Ranjit Singh, tendered his affidavit (Ex.PX) and stated that at the relevant time, he was MHC in the Police Station and the sample nips were deposited with him by the Investigating Officer of the case. PW-3 Vijay Kumar proved the recovery from the petitioner in the present case and thereafter, the evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and the incriminating circumstances were put to him. However, he denied that he was involved in any such crime and claimed himself to be innocent. No defence evidence has been produced by the accused.

6. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts and some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the



petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

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

9. In the present case, the prosecution had examined PW-1 HC Tarsem Singh, who clearly deposed that the sample nips of this case were deposited to the Office of Chemical Examiner in intact condition and he never allowed the tampering of the samples. Similarly, PW-2, HC Ranjit Singh also claimed that the sample nips remained in his custody and during his custody, the samples were intact in his possession and he had sent the samples to the Office of Chemical Examiner. The prosecution further examined at HC Vijay Kumar as PW-3, who proved the recovery in the present case and he was member of the police party, which affected the recovery. He explained in detail the steps taken by the investigating officer in the present case. The statements of all the three witnesses clearly proved the case of the prosecution and the petitioner was rightly held guilty for commission of the offence punishable under Section 61(1)(a) of the Punjab Excise Act, 1914.

10. Now, advertent to the order of sentence, this Court is conscious of the fact that the petitioner is facing the agony of trial/appeal/revision since the year 1999 i.e. for the last 26 years. Apart from that, as per custody certificate, the petitioner has already undergone 01 month and 15 days of custody, out of total sentence of one year and no purpose will be served by sending him behind



bars at this stage. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is 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 same.

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

(N.S.SHEKHAWAT)
JUDGE

12.03.2026
hemlata

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