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

**CRR-2532-2011 (O&M)
Date of Decision:20.03.2026**

Hardip Singh

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. P.S Brar, Advocate,
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 12.07.2011 passed by the Court of Additional Sessions Judge (Fast Track Court) (Adhoc), Amritsar and the impugned judgment of conviction and order of sentence dated 13.09.2010, passed by the Court of Sub-Divisional Judicial Magistrate, Amritsar, whereby the petitioner was ordered to be convicted for the offence punishable under Section 61(i) (c) of Punjab Excise Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5000/- and in default of payment of fine to undergo further rigorous imprisonment for 15 days.

2. The brief facts of the case are that on 01.10.2007 HC Wassan Singh alongwith other police officials was present at the turning point of village Cheema Bath in connection with patrolling duty where he received secret information that Hardip Singh accused is in habit of distilling and selling illicit



liquor, if raid is conducted at his house immediately, then illicit liquor, Lahan or working still can be recovered. Ruqa was sent to the police station for registration of case. Efforts were made to join independent witness but in vain. House of Hardip Singh accused was raided where a person was distilling illicit liquor by means of working still by feeding the fire to the hearth in the kitchen and he was nabbed by HC Wassan Singh with the help of other police officials. On interrogation, he disclosed his name as Hardip Singh. Working still was allowed to cool down and dismantled and the components of working still like two half burnt wooden logs, one drum containing 50 kg lahan which was being used as a boiler, one shakkala, four wooden logs, one chapni, one plastic pipe, one iron balta, one plastic pipa, one daba plastic, one cani containing 5 bottles of 750 mls each of illicit liquor, were recovered. Out of recovered 5 bottles of illicit liquor, 180 mls of illicit liquor was taken out as a sample. The case property was sealed with seal bearing impressions "WS" and taken into police possession vide recovery memo. Accused was arrested in this case and further investigation was carried out.

3. After completion of investigation, challan was presented before the Trial Court. The Trial Court found a prima facie case under Section 61(i) (a) of Punjab Excise Act 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 05 witnesses. PW-1 HC Amrik Singh, PW-2 HC Wassan Singh, PW-3 HC Gurvinder Singh, PW-4 HC Tirath Singh and PW-5 EI Balbir Singh and the evidence of prosecution was closed.

5. After the closure of the prosecution evidence, the statement of



petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case.

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

7. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgments of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

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

9. In the present case, the prosecution case was primarily based on the testimonies of PW-1 HC Amrik Singh and PW-2 HC Wassan Singh, who clearly stated that the recovery of one drum containing 50 kg lahan which was being used as a boiler, one shakkala, four wooden logs, one chapni, one plastic pipe, one iron balta, one plastic pipa, one daba plastic, one cani containing 5 bottles of 750 mls each of illicit liquor, was effected from the present petitioner. Still further, the prosecution also examined PW-5 Excise Inspector, Balbir Singh, who also proved his report Ex.PW-5/A and thus, it was apparent that the petitioner had been rightly convicted by both the Courts under Section 61(i) (c) of Punjab Excise Act.

10. Now, adverting to the order of sentence, it is apparent that from the Custody Certificate that the petitioner has already undergone more than 10 months and 21 days of actual custody. Even, he was aged about 28 years and is



facing prosecution for the last more than 18 years and is not a previous convict. Even, the sentence imposed on him, was suspended by this Court on 06.02.2012 and he has maintained good conduct in the past 14 years. Thus, keeping in view the aforesaid mitigating circumstances, it would be appropriate to reduce the sentence imposed on the 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 impugned 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. Pending application(s), if any, stand(s), disposed of, accordingly.

20.03.2026
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(N.S.SHEKHAWAT)
JUDGE

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