

2026:PHHC:072023



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

206

CRR 970 of 2010

Date of Decision: 07.05.2026

Jagga Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Kuldeep V. Singh, 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 judgement of conviction dated 06.03.2010 passed by the Court of Additional Sessions Judge, (Adhoc) Fast Track Court, Mansa, and the judgement of conviction and order of sentence dated 24.01.2008 passed by the Court of Sub-Divisional Judicial Magistrate, Sardulgarh, whereby, the petitioner was held guilty for the commission of offences punishable under Section 61(1)(c) of the Punjab Excise Act and was sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.5,000/- alongwith default stipulation.

2. The brief facts of the prosecution case are that on 17.07.2001, ASI Gurjant Singh along with a police party was going from village Ghurkani to village Fatehpur, Moffar etc. When the police party reached near the head of Bhakhra canal, secret information was received that the petitioner is distilling illicit liquor by means of working still in

his house and if raid is conducted, he can be caught red handed. The information was trustworthy, as such *ruqa* was sent to the police station for registration of case against the petitioner. The police party proceeded towards the house of petitioner. On the way Babu Singh son of Chubnar Singh met the police party and was joined in the investigation. Chowkidar Harbans Singh also met the police party at the *phirni* of the village and was also joined in the investigation. Then the police party reached the house of the petitioner. The petitioner was found distilling illicit liquor by means of working still in the kitchen of his house. He was feeding the fire at that time. He was arrested. The working still was cooled and dismantled. The detail of the components of the working still is mentioned in the *challan*. The components of the working still including a *patila* containing 15 kg of *lahan* being used as boiler, a plastic cane containing 4 bottles of illicit liquor and a pitcher containing 30 kg. of *lahan* were taken into police possession. The IO took out a sample nip from the plastic cane and sealed it along with plastic cane, *patila* and pitcher with seal bearing impression GS. A sample seal was also prepared. Other formalities of investigation were also completed at the spot. During investigation report of the chemical examiner as well as test report of E.I. were obtained. On completion of the formalities of investigation, the *challan* was prepared and presented in the Court.

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

4. In order to prove its case, the prosecution examined Constable Joginder Singh as PW-1, CII Kulwant Singh as PW-2, HC Angrej Singh as PW-3, E.I. Barjinder Singh as PW-4 and ASI Gurjant Singh as PW-5. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the 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 examined Constable Joginder Singh as PW1, who was part of the police party, which received the secret information and on that information, a *ruka* was sent to the police station. Babu Singh and Chowkidar Harbans Singh were joined in the police party and a raid was conducted at the house of the petitioner and he was caught red-handed while distilling illicit liquor by

means of a working still. The components of working still were taken into possession by the police vide recovery memo Ex.PA. PW2 Constable Kulwant Singh deposed that on 25.07.2007, he had taken a sample nip to the office of chemical examiner and it was not tampered and it remained in its custody. PW3 Head Constable Angrej Singh also submitted that 45 kg of *lahan* was sealed by the police on 25.07.2001 and he sent the sample nip to the office of chemical examiner through constable Kulwant Singh. PW4. E.I. Barjinder Singh was also part of the police investigation. PW5 ASI Gurjant Singh had proved the investigation in the present case. He proved the various steps taken during investigation and the documents relied upon by the prosecution such as *ruqa* Ex.PC, FIR Ex.PC, components of working still Ex.P1 to Ex.P15 taken into police possession vide recovery memo Ex.PA, personal search memo Ex.PD, rough sketch of place of recovery Ex.PE and report of chemical examiner Ex.PF. From the above referred evidence led by the prosecution, the offence under Section 61(1)(c) was proved by the prosecution beyond the shadow of reasonable doubt. 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.

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 17.07.2001, i.e., for the last more than 24 years. Still further, as per the custody certificate, he has undergone 3 months and 01

day out of total sentence of 1 year. Even, his sentence was suspended by this Court on 27.05.2010 and in the last more than 15 years, he had maintained good conduct. 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 present revision petition is partly allowed and the impugned judgement of conviction dated 06.03.2010 passed by the Court of Additional Sessions Judge, (Adhoc) Fast Track Court, Mansa, and the judgement of conviction and order of sentence dated 24.01.2008 passed by the Court of Sub-Divisional Judicial Magistrate, Sardulgarh, are upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the sentence of fine will remain the same.

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

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