

2026:PHHC:069277



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

208

CRR 1013 of 2015

Date of Decision: 29.04.2026

Jhirmal Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Mr. Amit Rana, Sr.DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement of conviction and order of sentence dated 03.03.2015 passed by the Court of Additional Sessions Judge, Ferozepur, and the judgement of conviction and order of sentence dated 27.11.2014 passed by the Court of Judicial Magistrate 1st Class, Ferozepur, whereby, the petitioner was held guilty for the commission of offences punishable under Section 61(1)(a) 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. Briefly stated, the case set up by the prosecution was that on 02.01.2012 ASI Hardev Singh along with other police officials on a private jeep was on patrol duty in the area of Village Nawan Purba, Patel Nagar etc. When it reached near M. K. Palace Chowk, a secret

information was received against the petitioner that he was involved in sale of illicit liquor having in his possession large quantity of the same. Finding the information credible, *ruqa* was sent at the police station and the raid was conducted at the disclosed place where the petitioner was apprehended. He made the disclosure statement leading to the recovery of five rubber tubes containing illicit liquor from the premises of his house. One nip of 180 ml was separated from each of the rubber tube as sample. The remaining liquor in the tubes was found to be 19-3/4 bottles, 79-3/4 bottles, 104-3/4 bottles, 94-3/4 bottles and 99-3/4 bottles. All these five tubes along with samples were taken into police custody after affixation of the seal 'HS'. The memo of recovery was duly witnessed by HC Jaspal Singh. On return to the police station, the case property was deposited with the MHC. The samples were sent to the office of chemical examiner and on receipt of the report of the chemical examiner confirming the illicit liquor, the challan was present in the Court.

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

4. In order to prove its case, the prosecution examined PW-1 HC Akbar Masih, PW-2 ASI Hardev Singh, the Investigating Officer, PW-3 HC Jaspal Singh, the witness of recovery and PW-4 MHC Kulwidner Singh. 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. During the course of trial, prosecution examined PW1 HC Akbar Masih, who deposed that one sample was received and deposited in the Office of Chemical Examiner. PW2 ASI Hardev Singh was the Investigating Officer in the present case and had produced the recovery of illicit liquor from the present petitioner. His testimony has been duly corroborated by PW3 HC Jaspal Singh. Similarly, PW4 HC Kulwinder Singh stated that five rubber tubes along with five samples were deposited with him by ASI Hardev Singh, IO, and the five samples were sent to the Office of the Chemical Examiner, Kharar. HC Akbar Masi, HC Akbar Masih as PW1 had deposed the fact regarding the deposit of samples in the Office of Chemical Examiner, Kharar. From the evidence led by the prosecution, it was apparent that the recovery of five tubes

containing illicit liquor in terms of 500 bottles of 750 ml, was recovered from him. 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 on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 02.01.2012, i.e., for the last more than 15 years. At present, the petitioner is aged about 47 years and is the sole bread earner of the family. He was never involved in any other criminal case. As per his custody certificate, he has already undergone 02 months of actual custody. The sentence imposed on the petitioner was suspended by this Court on 26.03.2015 and in the last more than 11 years, he had maintained good conduct and has not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and impugned judgement of conviction and order of sentence dated 03.03.2015 passed by the Court of Additional Sessions Judge, Ferozepur, and the judgement of conviction and order of sentence dated 27.11.2014 passed by the Court of Judicial Magistrate 1st Class, Ferozepur, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

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

29.04.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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