

2026:PHHC:043172



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

226

CRR 708 of 2013

Date of Decision: 18.03.2026

Gurmej Ram @ Geja

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Balram 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 dated 23.10.2012 passed by the Court of Sessions Judge, Shaheed Bhagat Singh Nagar and the impugned judgment and order dated 14.02.2012 passed by the Additional Chief Judicial Magistrate, SBS Nagar, whereby, the petitioner was ordered to be convicted for the commission of the offence punishable under Section 61(1)(c) of Punjab Excise Act, 1914 and he was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.2,000/-, alongwith default stipulation.

2. The brief facts of the present case are that on 12.5.2005 ASI Gurbaksh Singh alongwith his co-officials was present near Barnala Gate, GT Road, Nawanshaher, where they received a secret information that Gurmej Ram alias Geja, i.e., the petitioner, Hardeep Kumar and

Kulwant Ram have installed a working still in the fields of Om Parkash Goldsmith near village Langroya and if raid is conducted, they can be apprehended with the working still along with illicit liquor or Lahan. The said information being reliable, offence under Section 61-1-14 of Excise Act was found to be made out and accordingly, a ruqa was sent to the police station for registration of the case and the remaining police party raided the disclosed place and apprehended the accused. One container having 45 Kgs. of *Lahan* and 18 bottles of illicit liquor were recovered from the possession of the Gurmej Ram alias Geja, petitioner out of which one sample was taken out in a sample nip, which were sealed with the seal bearing impression "GS". Sample seal was prepared. Further 30 Kgs. of *Lahan* and one bottle of illicit liquor alongwith working still was recovered from accused Kulwant Ram and Hardeep Kumar. The accused were arrested in this case and their personal search were also conducted. Site plan of the place of recovery was prepared. Statement of witnesses were recorded. The case property was taken into police possession and on completion of the formal investigation, the final report under section 173 Cr.P.C. was filed in the Court.

3. After perusing the *challan* and accompanying documents, the trial Court held that a *prima facie* case under Section 61(1)(c) 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 four witnesses, namely, PW-1 HC Avtar Singh, PW-2 HC Tarsem Lal, PW-3 El Balraj Kumar, another PW-3 HC Pargan Ram, PW4 SI Gurbaksh Singh and, thereafter, the prosecution evidence was closed.

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 HC Avtar Singh, who stated that after taking into possession the *Lahan* and liquor, two plastic containers having 75 kgs of *Lahan* and two samples measuring 180/180 mls bearing seal impression 'GS' were deposited with him by the raiding party. He handed over the said case property to El Balraj Kumar and after test report, the case property was again deposited with him and it was sealed with seal 'BK'. On 25.05.2005, the samples were sent through HC Tarsem Lal for depositing the same in the office

of Assistant Chemical Examiner, Amritsar. PW2 HC Tarsem Singh had deposited the samples in the office of Assistant Chemical Examiner Amritsar in an intact condition. PW3 EI Balraj Kumar proved test report conducted by him. He had handed over the case property to MHC after sealing the same. PW4, Pargan Ram (wrongly mentioned as PW3) had proved the recovery of all the incriminating material. PW4 SI Gurbaksh Singh was the investigating officer and he deposed qua the investigation conducted by him and proved *ruqa* as Ex.PW4/A, FIR as Ex.PW4/B, articles qua working still as Ex.P1 to Ex.P15, recovery memo of the articles as Ex.PA and Ex.PB, memo of arrest as Ex.PW3/A, personal search memo as Ex.PW3/B, report of *Lahan* as Ex.PD and the report of the laboratory as Ex.PC.

9. From the above referred evidence led by the prosecution, it is apparent that the petitioner and other accused were apprehended by the police and they were having a container containing 45 kgs of *Lahan* and 18 bottles of illicit liquor were also recovered from the possession of the petitioner. Even all the witnesses were cross-examined at length but nothing material could be elicited from their respective testimonies. All the prosecution witnesses had withstood the test of cross-examination and there was no reason to disbelieve their testimonies. 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 and the petitioner has

been rightly convicted for commission of the offence under Section 61 of the Punjab Excise Act.

10. Adverting to the order of quantum of sentence, this Court is conscious of the fact that the petitioner is facing the prosecution in the present case since 12.05.2005, i.e., for nearly 21 years. Even he was sentenced to undergo rigorous imprisonment for a period of six months, but he has already undergone seven days of actual custody. Thus, the prisoner is facing the agony of investigation, trial and appeal for the last about 21 years. Further, the petitioner is the sole bread winner of the family, and in the considered opinion of the Court, no purpose will be served by sending him behind the bars again and the sentence imposed upon him is reduced to the period already undergone by him. However, since the petitioner is involved in other cases also and has not maintained good conduct after the suspension of sentence, the amount of fine is enhanced to Rs. 25,000/-.

11. With the above modifications, the revision is partly allowed and impugned judgement dated 23.10.2012 passed by the Court of Sessions Judge, Shaheed Bhagat Singh Nagar and the impugned judgment and order dated 14.02.2012 passed by the Additional Chief Judicial Magistrate, SBS Nagar, 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 and the amount of fine is enhanced to Rs. 25,000/- which shall be deposited

by him within a period of eight weeks from today, failing which the present petition shall be deemed to be dismissed.

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

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

18.03.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No