

**IN THE COURT OF MEHAKPREET KAUR, PCS,
JUDICIAL MAGISTRATE IST CLASS, BABA BAKALA SAHIB,
(UID NO.PB0815)**

PBASB10023562025

CHA/79/2025



Presented on : 18-10-2025

Registered on : 18-10-2025

Decided on : 27.11.2025

STATE

VERSUS

- 1) Yuvraj Singh alias Raja son of Jodhvir Singh resident of Madh Colony,
P.S. Beas, District Amritsar.
- 2) Lovepreet Singh alias Labha son of Sarwan Singh resident of Madh
Colony, P.S. Beas, District Amritsar.

....Accused.

FIR No. 60 dated 30.06.2025

U/s : 61-1-14 of Punjab Excise Act, 1914.

Police Station : Tarsikka, District Amritsar.

Present: Sh. Kawaldeep Singh Goraya, APP for the State.
Accused Yuvraj Singh alias Raja and Lovepreet Singh alias
Labha on bail represented by Sh. D.S. Batth, Advocate.

J U D G M E N T:

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib, UID No.PB0815

1. The accused named above, has been sent up by the SHO of Police Station, Tarsikka, District Amritsar to face trial for the commission of an offence punishable under Section 61 (1)(a) of the Punjab Excise Act, 1914.

BRIEF FACTS:

2. The brief facts of the prosecution case are that on 30.06.2025, ASI Narinderpal Singh investigating officer was posted at P.S. Tarsikka. On that day, he along with police party was present at T-point Muchal turn near Langar Hall and they found present accused was waiting for some one on motorcycle bearing registration no. PB02-ES-7524 make Platina and kept one plastic cane of blue colour on motorcycle. On seeing police party they tried to run away after leaving motorcycle. IO apprehended them with the help of police party. The person who has holding cane plastic disclosed his name as Yuvraj Singh alias Raja son of Jodhbir Singh resident of Madh Colony, P.S. Beas and second person disclosed his name Lovepreet Singh alias Labha son of Sarwan Singh resident of Madh Colony, P.S. Beas. Before checking the cane plastic, IO tried to join public witness but all in vain. IO checked the cane plastic in the presence of police party and found illicit liquor in cane plastic. IO separated 180 ml illicit liquor as sample and remained came out 19 bottles of 750/750 ml and one bottle 570 ml. IO

again poured illicit liquor into cane plastic. IO filled form M29 at the spot. IO sealed the case property and samples with his seal impression NS. After use seal was handed over to him. IO scribed ruqa and sent through HC Pargat Singh to police station for the registration of FIR. On the basis of which FIR was registered. During investigation, case property was taken by IO, rough site plan was prepared. statements of witnesses were recorded, sample was sent for chemical examination. After completion of investigation, challan under section 173 Cr.P.C was presented in the court against accused Yuvraj Singh alias Raja and Lovepreet Singh alias Labha.

3. On appearance, accused was supplied with copies of challan free of costs as required under Section 207 of Cr.P.C. in the court vide a separate statement.

4. Finding a prima facie case against the accused under Section 61 (1)(a) of the Punjab Excise Act, 1914, they were charged with the same, to which, they pleaded not guilty and claimed trial. Prosecution witnesses were summoned.

5. In order to substantiate the charges framed against the accused, prosecution examined following witnesses:-

Witness No.	Name of the witness	Documents and Exhibits
PW1	ASI Lakhwinder Singh (member of police party)	Ruqa Ex. PA, FIR Ex. PB, possession of case property Ex.P1, arrest memo Ex.P2 and ex.P3, personal search memo of both accused Ex.P4 and Ex.P5, possession memo of motorcycle Ex.P6, rough site plan Ex.P7, screen report of motorcycle Ex.P8, form M29 Ex.P9, chemical examiner report Ex.P10 and case property Ex.MO1 and Ex.MO2 i.e. motorcycle and cane plastic.
PW2	HC Harjeet Singh (sample carrier)	
PW3	ASI Major Singh (MHC)	

6. Thereafter, the learned APP for State closed evidence of the prosecution.

STATEMENT UNDER 313 CRPC:

7. After closure of prosecution evidence, statement of accused is recorded as enshrined in section 313 Cr.P.C, wherein, all the incriminating material/evidence which has come on record has been put to them who denied the same and pleaded false implication. Accused opted not to lead any defence evidence.

ARGUMENTS:

8. The learned APP for the state has argued that accused have committed the offence and are liable to be convicted. It has been further argued that PW1 ASI Lakhwinder Singh, member of police party, has duly proved the prosecution story. He duly proved on record the investigation documents and case property MO1 and and MO2. He further argued that all other prosecution witnesses also corroborated him. Therefore, the chain of circumstances necessary to establish the guilt of the accused is duly established.

9. On the other hand learned counsel for defence has argued that the prosecution has failed to bring home the guilt of the accused and prayed for acquittal of the accused.

POINT OF DETERMINATION:

10. After hearing learned APP, learned counsel for accused and upon perusal of the file following point emerge for determination in the present case:-

“Whether, on 30.06.2025, at about 08:50 PM in the area of T point Muchal Mor Langar Hall accused persons was found in possession of 20 bottles of illicit liquor without any permit of license and thereby accused committed an offence punishable U/S 61(1)(14) Excise Act?”

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib, UID No.PB0815

11. I have considered the rival contentions and gone through the oral as well as documentary evidence placed on file. It is upon the prosecution to prove the guilt of accused beyond all shadow of reasonable doubt by producing cogent and convincing evidence. To my view, there is no material discrepancy pointed out in the statement of the witness which goes to the root of the prosecution case. In support of the charge, the prosecution has examined in chief of PW1 ASI Lakhwinder Singh who deposed in his examination in chief that on 30.06.2025, he was posted at P.P. Tangara. On that day he was member of police party headed by ASI Narinderpal. On that day, police party was present at T-point Muchal turn near Langar Hall and they found present accused was waiting for some one on motorcycle bearing registration no. PB02-ES-7524 make Platina and kept one plastic cane of blue colour on motorcycle. On seeing police party they tried to run away after leaving motorcycle. IO apprehended them with the help of police party. The person who has holding cane plastic disclosed his name as Yuvraj Singh alias Raja son of Jodhbir Singh resident of Madh Colony, P.S. Beas and second person disclosed his name Lovepreet Singh alias Labha son of Sarwan Singh resident of Madh Colony, P.S. Beas. Before checking the cane plastic, IO tried to join public witness but all in vain. IO checked the cane plastic in the presence of police party and found illicit liquor in cane plastic. IO separated 180 ml illicit liquor as sample and

remained came out 19 bottles of 750/750 ml and one bottle 570 ml. IO again poured illicit liquor into cane plastic. IO filled form M29 at the spot. IO sealed the case property and samples with his seal impression NS. After use seal was handed over to him. IO scribed ruqa Ex. PA and sent through HC Pargat Singh to police station for the registration of FIR. On the basis of which FIR Ex.PB was registered. IO took into possession case property vide memo Ex.P1. IO arrested accused vide memo Ex.P2 and Ex.P3. Personal search memo of accused are Ex.P4 and Ex.P5. IO took into possession above said motorcycle vide memo Ex.P6. Above said memos were witnessed by him and Constable Harwinder Singh. IO prepared rough site plan Ex.P7. Screen report of motorcycle is Ex.P8. Form M29 is Ex.P9. Chemical report is Ex.P10. He identified accused who are present in court. He has seen the case property Ex.MO1 and Ex.MO2 i.e. motorcycle and cane plastic. IO recorded his statement.

12. Thereafter the prosecution examined PW2 HC Harjeet Singh no. 1739, currently posted at P.S. Tarsika who deposed in his examination in chief that on 14.07.2025 he was at general duty at P.S. Tarsikka. On that day MHC Major Singh handed over one sample nip of 180 ML of illicit liquor sealed with seal 'NS' along with Form M-29 and seal sample for depositing the same in this case to the office of Chemical Examiner,

Kharar, after getting the docket issued from the office of SSP Rural, Amritsar. After necessary compliance, he deposited the aforementioned sample along with relevant document on the same day vide Rod No. 151/21 to the office of Chemical Examiner, Kharar. On returning back, he handed over the receipt to the MHC concerned. Till the sample remained in his custody, neither he nor anyone else tried to tamper the same. His statement was recorded by the IO.

13. Thereafter the prosecution examined PW3 ASI Major Singh no. 1683, currently posted at P.S. Tarsika, who deposed in his examination in chief that on 30.06.2025, he was posted as MHC at P.S Tarsikka. On that day, IO handed over to him one sample of 180 ML and one canny plastic containing 19 bottles of 750 ML each and one bottle of 570 ML of 'illicit liquor' sealed with seal impression 'NS' alongwith form M29 and sample seal. He deposited the parcels along with the case property in the police malkhana and one motorcycle bearing registration no. PB02-ES-7524. On 14.07.2025, he handed over one sample of 180 ML sealed with seal impression 'NS' along with ready docket and documents to HC Harjit Singh for depositing the same in the office of Chemical Examiner Office Kharar vide Rod No. 151/21. He deposited the sample on the same day and on returning back, handed over the receipt to him. Till the case property

remained in his custody, neither he nor anyone else tried to tamper the same. His statement was recorded.

14. I have considered the rival contentions and gone through the oral as well as documentary evidence placed on file. It is upon the prosecution to prove the guilt of accused beyond all shadow of reasonable doubt by producing cogent and convincing evidence. There is no material discrepancy pointed out in the statement of the witness which goes to the root of the prosecution case. PW1, member of police party, in his case has proved the case of the prosecution. He further proved on judicial file ruqa Ex. PA, FIR Ex. PB, possession of case property Ex.P1, arrest memo Ex.P2 and Ex.P3, personal search memo of both accused Ex.P4 and Ex.P5, possession memo of motorcycle Ex.P6, rough site plan Ex.P7, screen report of motorcycle Ex.P8, form M29 Ex.P9, chemical examiner report Ex.P10 and case property Ex.MO1 and Ex.MO2 i.e. motorcycle and cane plastic. Other prosecution witnesses also proved the version of the prosecution. Chemical Examiner Report also proved which shows that the sample resembles spirit. Thus the prosecution establish the chain of circumstances necessary to establish the guilt of the accused person.

15. The counsel for the accused has further argued that whole of the case of the prosecution is based upon the testimony of the official

witness only and no independent witness has been examined in the court by the prosecution to prove the case. But the court sees no force in the contention raised by the counsel for the accused, as it is the common view amongst the people that being a witness would expose them to face unnecessary harassment in the court and it would also cause enmity with the accused. Furthermore, it is settled law that the testimony of an official witness cannot be disbelieved solely for the reason that he is an official witness and is interested in the success of the case. Reliance is placed on authoritative judicial pronouncement titled as ***State Versus Bahadar Sen 1979 Cr.LJ 1 (P&H)***, wherein it has been laid down that official status of a witness, ipso-facto is not sufficient to discard his evidence. Thus, testimony of police officials cannot be disbelieved and discarded solely for the reason that they are the police officials and are interested in the success of the case. Same view is reiterated in **Mukhtiar Singh & Ors. v. State of Punjab Criminal Appeal No. 2078-SB of 2005. Shiv Lal Versus State Of Haryana Criminal Appeal No. 45 of 1992.** Further there is nothing pointed out in the cross-examination of the official witnesses which causes doubt in their statement.

16. Learned Counsel for the accused further argued that the accused has been falsely implicated in the present case. The accused has

failed to explain as to why they have been falsely implicated by the police in the present. Mere bald statement or plea cannot be taken into consideration. However, in support of his plea, the accused did not lead any evidence on the file. Therefore, the argument of learned counsel for accused regarding false implication of accused stands rejected. Moreover in the statement of the accused under Section 313 of Cr.P.C/351 of BNSS, the accused stated that he did not want to lead evidence in defence.

17. Thus, In view of my observation in the foregoing para and in the light of evidence brought on record by the prosecution, I am of considered view that prosecution has successfully proved its case against the accused in all respects. Accordingly, point for determination is decided in favour of prosecution and against the accused.

CONCLUSION:

18. For the foregoing reasons, in my opinion, the prosecution has proved the guilt of the accused upto the hilt, beyond the shadow of reasonable doubt. Thus, the accused Yuvraj Singh alias Raja and Lovepreet Singh alias Labha has committed an offence punishable under Section 61(1)(a) of the Punjab Excise Act, 1914 and ,thus, the accused are held guilty and convicted there under. Let the convict be taken into custody and

be heard on quantum of sentence.

Pronounced in open Court:

Dated: 27.11.2025

rajeev kumar stenographer gr.ii directly dictated

(Mehakpreet Kaur)

Judicial Magistrate Ist Class,

Baba Bakala Sahib

UID No.PB0815

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib, UID No.PB0815

QUANTUM OF SENTENCE

Present: Sh. Kawaldeep Singh Goraya, APP for the State.
Convict Yuvraj Singh alias Raja and Lovepreet
Singh alias Labha in custody represented by Sh.
D.S. Batth, Advocate.

1. Convict has prayed that a lenient view be taken on the ground that they are first time offender and is having family to look after. They further stated that they are sole bread winner of their family and there is nobody to look after their family. They stated that they will not commit such like offence again. They have given careful consideration to these submissions of the convict.

2. To my view, by looking into the present circumstances of the convict as well as the age of the convict, it is fit case to exercise the power given in Section 4 of Probation of Offender Act 1958, which says that when any person is found guilty of having committed an offence not punishable with death or imprisonment with life and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence, and the character of the offender, it is expedient to release them on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the Court may, instead of sentencing them at

once to any punishment direct that they be released on their entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the Court may direct, and in the meantime to keep the peace and be of good behaviour.

3. Hence, I am of the considered opinion that the ends of justice would be fully met, if convict be given opportunity to reform themselves instead of sending them behind bars. This view of mine got support from *Divisional Personal Officer Vs. T.R. Challapan AIR 1975 (S.C.) 2216*, wherein it was held that the order of release on probation is nature of substitution of the sentence to be imposed by the Court. This is permissible by the statute with common approach in order to reform offenders and to prevent them from becoming hardened criminals. Therefore, the present case is a fit case where convict be released on probation.

4. Accordingly, the convicts Yuvraj Singh alias Raja and Lovepreet Singh alias Labha are ordered to be released on probation subject to furnishing probation bonds in the sum of Rs. 20,000/- with one surety in the like amount for a period of six months, during which the convicts shall keep peace and be of good behaviour and shall not commit similar offence during the probation period, failing which they shall be

sentenced to imprisonment as well. They shall come present to receive the sentence as and when directed by the court.

5. At this stage, the accused has requested that they are a poor person and can not arrange the surety bonds and they be released on probation on furnishing personal probation bonds. Request heard and allowed. Accused is allowed to furnish personal probation bonds of Rs.20,000/-. The convicts are also burdened with cost of litigation to the tune of ₹500 each. Probationary bonds furnished, which have been accepted and attested. Bail bonds and surety bonds of accused, if any, stands discharged. Costs deposited against receipt. Copy of the judgment be provided to accused free of cost. Case property, if any, be disposed of according to law after the decision of appeal/revision if any or after expiry of period of limitation for preferring the same. File be consigned to the Record Room, after due compliance.

Pronounced in open Court:
Dated: 27.11.2025

rajeev kumar stenographer gr.ii directly dictated

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib
UID No.PB0815

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib, UID No.PB0815

CHA/79/2025 PBASB10023562025 State vs Yuvraj Singh alias Raja & another

Present: Sh. Kawaldeep Singh Goraya, APP for the State.
Accused Jodhbir Singh alias Jodha on bail represented by
Sh. D.S. Batth, Advocate.

No PW is present. The learned APP for State closed evidence of prosecution. Statement of accused Yuvraj Singh alias Raja and Lovepreet Singh alias Labha under section 313 Cr.P.C. is recorded. Accused opted not to lead any defence evidence.

Arguments heard. Vide my separate judgment of even date, the accused Yuvraj Singh alias Raja and Lovepreet Singh alias Labha are held guilty and convicted for offence punishable under section 61 (1) (a) of The Punjab Excise Act, 1914 and released on probation and burdened with cost of litigation of ₹200/-.

Personal Probation bonds furnished, which have been accepted and attested. Bail bonds and surety bonds of accused, if any, stands discharged. Costs deposited against receipt. Case property, if any, be disposed of according to law after the decision of appeal/revision if any or after expiry of period of limitation for preferring the same. Copies of judgment are supplied to the accused free of cost. File be consigned to the Record Room, after due compliance.

Pronounced in open Court:
Dated: 27.11.2025

rajeev kumar stenographer gr.ii directly dictated

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib
UID No.PB0815

(Mehakpreet Kaur)
Judicial Magistrate Ist Class,
Baba Bakala Sahib, UID No.PB0815