



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

CRR-1234-2010 (O&M)
Date of Decision: 21.04.2026

Jasvir Singh and another

...Petitioners

vs.

State of Punjab

...Respondent

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

Present : Mr. Tejinder Pal Singh, Advocate,
 for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgment dated 11.03.2010 passed by the Court of Additional Sessions Judge, (Adhoc) Fast Track Court-II, Sangrur and the judgment of conviction and order of sentence dated 03.10.2005 passed by the Court of Sub-Divisional Judicial Magistrate, Dhuri, whereby the petitioners were convicted for the commission of offences punishable under Sections 61/1/14 of the Punjab Excise Act and were sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- each, alongwith default stipulation.

2. The brief facts of the present case are that on 14.9.2001, ASI Sikander Singh alongwith other police officials were present in the area of City Dhuri, in connection with patrolling. When, the police party reached near T-point Baghrian Road, they saw a Maruti Car of white color coming from village Bardwal, which was given signal to stop with the help of Torch light. The



registration number of the Maruti Car was PB-11C-4455 being driven by Hindu Gentleman. In the meanwhile, Hardev Singh son of Swaran Singh also joined the investigation. The driver of the Maruti Car told his name as Jasvir Singh son of Bahadur Singh and on checking of Maruti Car, they saw two plastic cans lying on front seat and the person sitting on the rear seat told his name as Gurpreet Singh and he was having four plastic cans containing country made liquor and other four plastic cans were recovered from the dicky of the car, out of which, 180/180 ml from each can was taken out as sample and remaining on measurement came to be 44.3/4 bottles in each plastic can, which was put back in the same plastic cans and sealed by investigating officer ASI Sikander Singh with his own seal bearing impression SS and were taken into possession vide recovery memo Ex.P.2. attested by the witnesses. The seal after use was handed over to Hardev Singh Fard jamatalashi and arrest memo of accused Jasvir Singh Ex.P14 and Ex.P15 and fard jamatalashi and arrest memo of accused Gurpreet Singh Ex.P16 and Ex.P17 were prepared at the spot, which were signed by accused and attested by the witnesses. Ruqa Ex P13 was sent to the Police Station through C.I Mehar Singh, on the basis of which, formal FIR Ex.P20 was recorded by MHC Mehar Singh. Rough site plan of the place of recovery Ex.P18 was prepared at the spot. Statements of witnesses were recorded. On return to the Police Station, the case property was deposited with MHC. After completion of investigation and other formalities, challan against the accused was presented in the Court of learned Illaqa Magistrate.

3. After the presentation of challan, the trial Court found that a *prima facie* case under Section 61(1)(a) of Punjab Excise Act, 1914 was made out



against the petitioners and they were chargesheeted accordingly. They pleaded not guilty and claimed trial.

4. In order to prove the charge against the petitioners, the prosecution examined PW-1 Indu Bala, PW-2 ASI Sikander Singh, PW-3 ASI Budh Singh, PW-4 MHC Narinder Singh, PW-5 Jora Singh and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statements of the petitioners under Section 313 Cr.P.C. were recorded and all the incriminating evidence appearing against them were put to them. They pleaded innocence and claimed trial. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgments of conviction passed against the petitioners by both the Courts, however, some leniency may be shown, while awarding the sentence on them. Even though, learned counsel for the petitioners has not challenged the judgments of conviction, still this Court has examined the entire case on its merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioners do not deserve any 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 had examined PW-1 Indu Bala, who produced the record pertaining to the registration of a Maruti car, which was in the name of Jasvir Singh, petitioner No.1. PW-2, ASI, Sikander Singh,



Investigating Officer, had proved the entire investigation in the present case. He categorically stated that both the witnesses were traveling in a car and were carrying 10 cans of plastic containing country made liquor and they were apprehended at the spot, while they were carrying the illicit liquor. He proved on record all the memos regarding search, recovery and arrests of the accused. Even PW3, ASI Budh Singh was a witness of all the recoveries and had signed the memos in the present case. MHC Narinder Singh, PW-4 proved his affidavit (Ex.P-21) and HC Jora Singh, PW-5 proved his affidavit (Ex.P-22). Consequently, there was sufficient evidence to show that the illicit liquor was recovered from the present petitioners and they failed to explain the charge against them. Even otherwise, I have carefully perused the judgments of conviction passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

10. Now, advertent to the order on quantum of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 14.09.2001 and the petitioners are facing agony of trial/appeal/revision for the last more than 24 years. As per the custody certificates, both the petitioners have already undergone about 5 months of actual custody, out of total sentence of one year and are the first offenders. Even the sentence imposed on the petitioners was suspended by this Court on 06.07.2010 and since then, they had maintained good conduct. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioners. Thus, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.



11. With the above modifications, the present revision petition is partly allowed and the impugned judgments of convictions are upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

12. Pending application, if any, also stands disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

21.04.2026
hemlata

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