



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

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CRR-2958-2010 (O&M)

Date of Decision.:02.04.2025

Talwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurvinder Pal Singh, Advocate for
Mr. H.S. Rakhra, Advocate for
the petitioner.

Mr. R.K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner Talwinder Singh along with Rajiv Kumar @ Raju were tried by Ld. Additional Chief Judicial Magistrate, Rupnagar in a case arising out of FIR No.99 dated 22.08.2003 under Section 61/1/14 of Punjab Excise Act registered at Police Station Kurali. After trial, the petitioner was convicted under Section 61 (1)(a) of Punjab Excise Act vide judgment dated 17.03.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹5,000/- with default sentence of one month rigorous imprisonment in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the appeal against the judgment of conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that petitioner would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.



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4. Learned counsel points out that offence pertains to the year 2003; that petitioner was young person of 23 years at that time; that petitioner has already undergone actual sentence of 02 months and 10 days and so, he deserves to be sentenced for the period already undergone by him.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 02 months and 10 days. He was 23 years of age at the time of offence, which had taken place way back in 2003 i.e. 22 years back. Thus, by now he is not less than 45 years of age. The custody certificate further reveals that though petitioner is involved in one more case registered against him in 2022 but he was bailed out in the same.

7. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the petitioner, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the petitioner is sentenced to imprisonment for the period already undergone by him. As far as the fine is concerned, it will remain same.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

April 02, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No