



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

203

CRR-596-2010 (O&M)

Date of Decision:-13.05.2025

SANTOKH SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ankit Bhincher, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

On the basis of secret information, petitioner was apprehended by the police along with co-accused. He was found to be feeding the fire under the working Still. 80 Kgs plus 20 Kgs of lahan besides six bottles of illicit liquor were found apart from various other instruments for preparing the illicit liquor. The trial Court convicted the petitioner under Section 61(1)(c) of the Punjab Excise Act, 1914 vide judgment dated 14.12.2007 and sentenced him to undergo rigorous imprisonment for a period of one year and to pay fine of ₹5000/- with default sentence of 3 months rigorous imprisonment in case of non-payment of fine. The First Appellate Court maintained the conviction as well as sentence as per the order dated 03.02.2010.

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

3. On 22.09.2010, application for suspension of sentence was dismissed as withdrawn.

4. Although the custody certificate placed on record by State counsel would reveal the custody period of the petitioner to be only 03 days, but the old custody certificate dated 12.04.2010 lying on the file would reveal that petitioner had already undergone custody period of 05 months and 02 days.



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5. Today learned counsel for the petitioner stated at the outset that petitioner does not press the petition 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.

6. Learned counsel points out that offence pertains to the year 2000; that petitioner has already undergone total sentence of 05 months and 02 days and so, he deserves to be sentenced for the period already undergone by him.

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

8. 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.

9. Consequently, the present revision 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 fine is concerned, it will remain same.

11. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

May 13, 2025

Pry

Whether Speaking/reasoned	Yes
Whether Reportable	No