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CRR No.2671 of 2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2671 of 2025
Reserved on: 12.11.2025
Pronounced on: 01.01.2026
Date of uploading the full
judgment: 01.01.2026

Rakesh Kumar
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued By:- Mr. G.S. Salana, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This revision petition is directed against the judgment dated 22.09.2025 passed by the Court of learned Additional Sessions Judge, Patiala in **CRA/21/2019 titled M/s Rakesh Kumar Vs. State of Punjab**, vide which appeal filed against the judgment and order of sentence dated 05.01.2019 passed by the Court of learned Judicial Magistrate 1st Class, Rajpura has been dismissed vide which he was held guilty and convicted under Section 61(1)(a) of the Punjab Excise Act, 1914 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹1 lakh with default sentence of 03 months rigorous imprisonment in case of non-payment of fine in case arising out of FIR No.97 dated 13.05.2014 registered under Section 61/1/14 of the Punjab Excise Act, 1914 at Police Station City Rajpura.

2. Brief facts of the prosecution case are that on 13.05.2014, HC Harjinder Singh along with other police officials was present at Sirhind Bye Pass, G.T. Road, Rajpura, in connection with patrolling duty when a secret information was received that



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accused Rakesh Kumar son of late Som Nath, resident of Guru Nanak Nagar, Nalas Road, Rajpura keeps liquor in his house and sells the same without any permit or licence. On the basis of said information, ruqa was sent and raid was conducted at the house of accused. On checking, 15 boxes of liquor make First Choice were found lying in the store of said house. The liquor of above said bottles was transferred into four plastic cans and four sample nips were drawn. The sample nips, four canny plastics and 180 empty bottles were sealed by IO. Sample seal was prepared separately. The case property i.e. sample nips, four canny plastics and 180 empty bottles were taken into possession vide separate recovery memo. FIR was registered. Rough site plan of the place of recovery was prepared. Statements of witnesses were recorded and on return to the police station, case property was deposited with MHC concerned. Accused was arrested and after completion of investigation, final report was presented in the Court for trial.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the revision on merits against the judgment of conviction and that petitioner confines his prayer only against order of sentence. It is submitted that appellant would be satisfied, in case his sentence is reduced or benefit of probation is extended in his favour. Learned counsel points out that offence pertains to the year 2014. Petitioner has already undergone more than two months of sentence out of sentence of three years awarded to him after dismissal of the appeal. He is not involved in any other case and his sentence may be reduced by taking a lenient view.

4. Learned State counsel has opposed the aforesaid prayer and has argued that petitioner does not deserve any leniency in view of gravity of the offence.

5. I have gone through the trial Court judgment as well as the judgment passed by the Appellate Court. In order to prove its case, the prosecution has examined HC Harjinder Singh as PW1, who was heading the raiding party which had apprehended the accused from his house and recovered the liquor bottles



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for which accused could not produce any permit or license for possessing the same and he has stated the material facts of the prosecution case on oath as well regarding recovery of the liquor, drawing of samples and deposit of the same in the malkhana. His version has been corroborated by ASI Amarjit Singh, who has been examined as PW2. PW3 and PW4 have been examined to prove deposit of the case property in the malkhana and its despatch to the Office of Chemical Examiner. Nothing favourable could be extracted during their cross-examination so as to create any doubt regarding the recovery of liquor bottles from the house of the accused and there is thus no reason to discard their testimony. It is well settled that the revisional jurisdiction of the High Court is limited to rectifying patent defects, errors of jurisdiction or law, and cannot be equated with appellate jurisdiction. The concurrent findings of fact by both the trial Court and the Appellate Court are not to be interfered with unless there is evidence of perversity or miscarriage of justice. The impugned judgment do not suffer from any such patent defect or material irregularity and there is thus no reason to interfere with the impugned judgment of conviction.

6. However, the petitioner has been sentenced to undergo imprisonment for three years besides fine of Rs.1 lakh and in default, he has been sentenced to undergo imprisonment for three months. Section 61 of Punjab Excise Act, 1914 (amended vide Punjab Act No.26 of 2013) prescribes punishment which may extend to three years of imprisonment and fine which may extend to Rs.10 lakhs but proviso No.(vi) to Section 61(1) of Punjab Excise Act, 1914 further provides that such imprisonment shall not be less than six months and the fine shall not be less than Rs.1 lakh.

7. The offence in question had been committed in the year 2014 i.e. 11 years ago and petitioner is thus facing agony of trial since then. Nothing has been brought on record to show that the petitioner was involved in any other case after his conviction and he has no other criminal antecedents. In my



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considered opinion, the sentence awarded to the petitioner is on higher side and is not commensurate with the offence committed by him. It is well settled that the object of punishment is not only to punish an offender but also to rehabilitate the offender in the society and when an accused reflects a strong possibility of improvement and reformative behaviour, the process of law should come to the aid of such a convict so as to ensure his re-integration into society. As such, taking into consideration the age of the petitioner and the fact that he is not involved in any other case, I am of the considered opinion that a lenient view is warranted in the present case and accordingly, the sentence awarded to the appellant is reduced to six months' rigorous imprisonment instead of three years as awarded by the trial Court. However, the sentence of fine shall remain the same alongwith the default sentence as awarded by trial Court.

8. With the afore-said modification on the question of sentence, the revision in hand is ordered to be dismissed.

**(Yashvir Singh Rathor)
Judge**

January 01, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No