



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

249

CRA-S-3656-2024 (O&M)
Date of decision: 17.12.2024

Bittu @ Kala

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raj Kumar Chauhan, Advocate
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed against the judgment of conviction dated 15.03.2024 and order on quantum of sentence dated 16.03.2024, passed by the Court of learned Additional Sessions Judge, Bhiwani in case titled as *State vs. Bittu Kumar and another*, arising out of FIR No. 249 dated 05.07.2014, registered under Sections 394 and 397 of IPC and Section 25 of the Arms Act at Police Station Bawani Khera, whereby the appellant was held guilty for commission of offence punishable under Section 25 of the Arms Act and was sentenced to undergo rigorous imprisonment for a period of 02 years and to pay fine of Rs. 2,000/- and in default of payment of fine, he was directed to further undergo rigorous imprisonment for a period of 01 month.
2. Today, learned counsel for the appellant has made a statement so as not to press the present appeal against the judgment of conviction passed by the learned trial Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that the appellant has already undergone



substantive portion of his sentence and so looking into the circumstances, the appellant may be sentenced for the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the appellant has already undergone actual sentence of 01 year, 05 months and 26 days out of total sentence of 02 years as awarded by the learned trial Court.

4. After hearing learned counsel for the parties, I uphold the judgment of conviction passed by the learned trial Court as the same is based on appreciation of prosecution evidence, proving guilt of the appellant. However, considering the fact that the appellant has faced the agony of protracted trial and he has already undergone actual sentence of 01 year, 05 months and 26 days out of total sentence of 02 year, the order on quantum of sentence dated 16.03.2024 is modified to the extent that the same is reduced to the period already undergone by him. However, the fine imposed upon the appellant is upheld.

5. The appellant is directed to be released from custody forthwith, if not required in any other case, on depositing the fine as imposed by the learned trial Court. His personal/surety bonds be discharged accordingly.

6. Let a copy of this order be sent forthwith to Jail Superintendent as well as to the Court concerned for intimation and compliance.

7. Since the main case stands disposed of, pending applications, if any, shall also be treated as disposed of.

17.12.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No