



CRA-S-1774-2024 (O&M)

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

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CRA-S-1774-2024 (O&M)

Date of decision: 20th March, 2025

Shiva Bhatti

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.P.S. Khaira, Advocate for the appellant.

Ms. Himani Arora, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present appeal has been filed against the judgment of conviction and order on quantum of sentence both dated 28.03.2024, passed by the Court of learned Additional Sessions Judge, Ludhiana in case titled as '*State vs. Shiva Bhatti and another*', arising out of FIR No. 153 dated 08.12.2019, registered under Section 307 read with Section 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Division No.4, Ludhiana, whereby the appellant was held guilty for commission of offence punishable under the aforesaid section 307 of IPC and was sentenced to undergo rigorous imprisonment for a period of six years with default clause of fine.

3. Today, learned counsel for the appellant has made a statement so as to not to press the present appeal against the judgment of conviction passed by the trial Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that the appellant may be



sentenced for the period already undergone by him.

4. 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 05 years 02 months and 03 days out of total sentence of 06 year as awarded by the trial Court.

5. After hearing the counsel for the parties, I uphold the judgment of conviction passed by the 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 05 years 02 months and 03 days, the order on quantum of sentence dated 28.03.2024 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 and the appeal is disposed of accordingly.

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

[MANISHA BATRA]
JUDGE

20th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*