

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

CRM-M-23824 of 2015 (O&M)

Date of decision : 10.8.2015

Sahida

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This is a petition under Section 482 read with Section 427 of the Code of Criminal Procedure praying for concurrent the sentence awarded in FIR No.265 dated 2.9.2001 under Sections 147/148/149/324/353/332/186/307 IPC & 25 of Arms Act registered at Police Station Hathin, District Palwal and FIR No.378 dated 8.10.1999 under Section 399/402 IPC P.S.Balabgarh, District Faridabad with the present case in case FIR No.244 dated 23.6.2002 u/s 148/149/332/353,307,506 IPC and 25/54/59 of Arms Act registered at P.S.Hathin, District Palwal.

Learned counsel for the petitioner contends that sentence awarded in both the cases be made concurrent. He further contends that if the sentence is not ordered to run concurrently, the petitioner will suffer irreparable loss.

Heard.

In this petition, learned counsel for the petitioner has not attached the copies of the judgments of both the cases referred to in the heading of the petition.

In *Jang Singh Vs. State of Punjab 2008(1) RCR (Criminal) 323*, it has been held as under:

“Direction to make the sentences to run concurrently can be exercised by the trial Court or by the appellate Court or a revisional Court at the time of exercising appellate or revisional jurisdiction as well. It may not be open for a person to seek such direction for making the sentences to run concurrently by moving an application under Sections 482 and 427 of Criminal Procedure Code.

It has been further held that if the accused is habitual offender and is found guilty on various counts and it is suspected that he would be a menace to the society if let loose, then the term of consecutive sentences should be given.”

In this case, the custody certificate produced by the petitioner (Annexure P-1) shows that the petitioner is a habitual offender, five cases are still pending against him and seventeen cases have already been disposed of. Moreover, in view of *Jang Singh's case (supra)* this petition is not maintainable. Accordingly, the petition is dismissed, in limine.

10.8.2015
Meenu

(JITENDRA CHAUHAN)
JUDGE