

In the High Court of Punjab and Haryana at Chandigarh

1. Criminal Misc.-M No. 7648 of 2013 (O&M)
Date of Decision: 07.01.2015

Jitender @ Happy

.....Petitioner

Versus

State of Haryana and another

.....Respondents

2. Crl. Appeal No. S-85-SB of 2007

Happy alias Jitender

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.S.Gulati, Advocate for
Mr. A.S.Sullar, Advocate
for the petitioner.
(In CRM-M No. 7648 of 2013) and
for the appellant
(In CRA-S-85-SB of 2007)

Ms. Dimple Jain, AAG, Haryana.

SABINA, J.

Vide this order, above mentioned Criminal Appeal as well as Criminal Miscellanoues would be disposed of.

Petitioner had faced the trial in FIR No. 193 dated 12.10.2004 under Section 147, 148, 307 read with Section 149 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Civil Lines, Bhiwani. Trial Court vide judgment/order

dated 16.9.2006/20.9.2006 ordered the conviction and sentence of the petitioner under Section 307 IPC read with Section 34 IPC.

Petitioner had also faced trial in FIR No. 144 dated 20.8.1998 under Section 186, 216, 224, 225, 332, 341, 353, 395 read with Section 397 IPC, registered at Police Station Bawani Khera. Trial Court vide judgment/order dated 31.5.2006/3.6.2006 ordered the conviction and sentence of the petitioner under Section 332, 353, 341, 395 read with Section 397, 225 IPC.

Petitioner has remained in custody till date for about 12 years. In these circumstances, it would be just and expedient to order that the sentences in both the FIRs be ordered to run concurrently.

Accordingly, this petition is allowed. It is ordered that sentence qua imprisonment of the petitioner as ordered by the Trial Court vide order dated 20.9.2006 in FIR No. 193 dated 12.10.2004 under Section 307 IPC read with Section 34 IPC, registered at Police Station Civil Lines Bhiwani and the sentence qua imprisonment of the petitioner as ordered by the Trial Court vide order dated 3.6.2006 in FIR No. 144 dated 20.8.1998 under Section 395, 397, 332, 353, 341, 225 IPC, registered at Police Station Civil Lines Bawani Khera, shall run concurrently.

Since in Criminal Misc.-M No. 7648 of 2013, the sentence awarded to the petitioner in FIR No. 193 dated 12.10.2004 under Section 307 IPC read with Section 34 IPC, registered at Police Station Civil Lines Bhiwani and FIR No. 144 dated 20.8.1998 under Section 395, 397, 332, 353, 341, 225 IPC, registered at Police Station Civil Lines Bawani Khera have been ordered to run concurrently, learned counsel for the appellant

has not pressed the Criminal Appeal No. S-85-SB of 2007.

Accordingly, Criminal Appeal No. S-85-SB of 2007 is
dismissed as not pressed.

(SABINA)
JUDGE

January 07, 2015

Gurpreet