

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

**CRM No.M-11768 of 2016
Date of Decision: May 20, 2016**

Hitesh Sharma

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

By order

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

A representation/application was made by the applicant-petitioner during the jail inspection before the Administrative Judge, which was treated as criminal miscellaneous petition. In the application, it is stated that the applicant-petitioner has been convicted and sentenced in two different cases. In one case, he has been sentenced to undergo rigorous imprisonment for 7 years in case FIR No.320, dated 25.09.2009 under Sections 395 IPC, registered at Police Station Tohana, Fatehabad, Haryana and in another case, he has been sentenced to undergo rigorous imprisonment for four years in case FIR No.526, dated 11.10.2009 under Sections 399, 402 IPC, registered at Police Station Sadar, Patiala, Punjab.

The office note shows that the applicant-petitioner has filed an appeal bearing CRA-S No.596-SB of 2013, which is pending before this Court. The co-convicts Kulwant Singh, Tejinder Singh and

Sukhwinder Singh had also filed the similar application as filed by the present applicant-petitioner, namely Hitesh Sharma, which came up for hearing before the Single Bench of this Court and the same was dismissed vide order dated 08.11.2013 passed in CRM-M-15182 of 2013 (Direction Petition) with the following observation:

“The question for consideration is, whether the application is maintainable. A decision by a Full Bench of this Court in Jang Singh vs State of Punjab, 2008(1) RCR (Criminal) 323, it was held that such power can be exercised by the trial court and if not so done by the appellate court or revisional court at the time of exercising appeal or revisional jurisdiction. Further held that this power cannot be exercised independently.”

I am of the view that since the appeal of the applicant-petitioner is already pending, therefore, the prayer for ordering the sentences imposed in two different cases to run concurrent cannot be taken up in separate petition.

Accordingly, the present petition stands dismissed.

May 20, 2016
sarita

(KULDIP SINGH)
JUDGE