

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

CRM-M No.43559 of 2015 (O&M)

Date of decision: 10.03.2016

Ashok Kumar @ Chani

....Petitioner (s)

Versus

State of Punjab & others

...Respondent(s)

CORAM :- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Petitioner, namely, Ashok Kumar alias Chani son of Punjab Rai, has filed the present petition under Section 482 read with Section 427 of Code of Criminal Procedure, 1973 (Cr.P.C.) praying that the sentences awarded to the petitioner by the learned trial Court in FIR No. 71 dated 18.05.1998 for offence under Sections 302/149/120-B read with Section 148 IPC, registered at Police Station Khuyian Sarwar, Distt. Ferozepur, be ordered to run concurrently.

Learned Trial Court vide judgment of conviction dated 17.10.2002 held the petitioner guilty of offence

punishable under Sections 302 and 201 IPC and vide separate order of even date sentenced him to undergo imprisonment as under:-

Offence u/s	Sentence	Fine	In default
<i>302 IPC</i>	<i>To undergo life imprisonment.</i>	<i>Rs.3000/-</i>	<i>Two years</i>
<i>201 IPC</i>	<i>To undergo rigorous imprisonment for three years</i>	<i>Rs.1000/-</i>	<i>Six months</i>

Aggrieved against the judgment of conviction and order of sentence dated 17.10.2002, the petitioner alongwith others had filed Criminal Appeal No. D-811-DB of 2002 (Manish Kumar and others Vs. State of Punjab) before this Court, however, said appeal was dismissed qua the petitioner vide judgment dated 08.01.2013.

Even SLP (Criminal) No. 2348 of 2014 filed by the petitioner before the Hon’ble Apex Court was dismissed on 09.01.2015.

The short prayer made in the present petition is that the sentences awarded to the petitioner to undergo life imprisonment under section 302 IPC and to undergo rigorous imprisonment for three years under Section 201 IPC be ordered to run concurrently.

Learned counsel for the petitioner submits that under similar circumstances, the sentence of co-accused of petitioner has already been ordered to run concurrently by this

Court vide orders dated 04.09.2015 passed in *CRM-M-18435 of 2015* titled as '**Manish Kumar Vs. State of Punjab and others**'. He contends that the case of the petitioner is in parity with accused Manish Kumar whose sentence has already been ordered to run concurrently by this Court.

Learned counsel for the State does not dispute the above fact that the sentence of co-accused of petitioner has already been ordered to run concurrently.

Heard.

Keeping in view the judgment passed by this Court in **Manish Kumar's case (supra)**, the present petition is allowed and sentences awarded to the petitioner in FIR No. 71 dated 18.05.1998 for offence under Sections 302/149/120-B read with Section 148 IPC, registered at Police Station Khuyian Sarwar, Distt. Ferozepur, to undergo life imprisonment under section 302 IPC and to undergo rigorous imprisonment for three years under Section 201 IPC are ordered to run concurrently.

With the above directions, the present petition stands disposed of.

March 10, 2016
ANJAL

[HARI PAL VERMA]
JUDGE