

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8318 of 2016

.....

Date of decision:15.3.2016

Harbhajan Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. M.S. Chauhan, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for directing that all the sentences imposed upon the petitioner shall run concurrently as it arise out of one trial only pertaining to same FIR bearing No.153 dated 3.9.1998 under Section 299 IPC, Section 25 of the Arms Act and Section 5 of the Explosive Act registered at Police Station Civil Lines, Patiala, as due to inadvertence the learned trial Court did not mention the same in quantum of sentence, although the petitioner was released on interim bail for one month on the very same day by treating their maximum sentence as three years.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner has admitted that the appeal has already been decided by this Court in the year 2015 and now no appeal, revision etc. is pending before this Court. This petition filed under Section 482 Cr.P.C. is not maintainable. The application can only be filed in the appeal, revision etc. The counsel for the petitioner should have filed the application in the appeal or he should have argued regarding concurrently running of the sentences while arguing the appeal at that time.

A Full Bench of this Court in Jang Singh v. State of Punjab, 2008(1) R.C.R. (Cr.) 323 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 reversional 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 Section 482 and 427 of Criminal Procedure Code.”

Therefore, in view of the law laid down above, I do not find any merit in this petition and the same is dismissed.

March 15, 2016.

(Inderjit Singh)
Judge

hsp