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

**CRM-M No. 32841 of 2015
Date of Decision: 04.09.2017**

Gurdeep Singh @ Baba

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. V.G. Jauhar, Senior D.A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner seeks directions to set off/adjust the excessive period of detention undergone by him in F.I.R. [case] No. 51, dated 26.02.1999, under Sections 302/120-B of the Indian Penal Code (I.P.C.) registered at Police Station Samana, District Patiala, against the sentence of imprisonment awarded to him in F.I.R. No. 34, dated 20.03.1999, under Sections 307/394/364/365 of the I.P.C., in view of the judgment passed by a Division Bench of this Court in Criminal Appeal No. 690-DB of 2004 on 14.01.2009.

2. The petitioner was originally convicted of the offences under Sections 302/120-B/34 I.P.C., and sentenced to suffer imprisonment for

life, apart from payment of fine as well as rigorous imprisonment for seven years, besides additional fine, and the sentences were directed to run concurrently. His bail was subsequently allowed partially by the Division Bench of this Court and his conviction was finally recorded under Section 304-A of the I.P.C., for which the sentence awarded to him was rigorous imprisonment for three years, besides payment of fine of ₹ 5,000/- (Rupees Five Thousand Only).

3. In the other case arising out of F.I.R. No. 34, dated 20.03.1999, the petitioner was convicted of the offences under Sections 307/344/364/365 of the I.P.C. on 13.09.2004 and the maximum sentence awarded therein was for five years each, in relation to offences under Sections 307/364 of the I.P.C., and all the sentences were to similarly run concurrently.

4. From the custody certificate of the petitioner filed on behalf of the State along with reply in the form of Annexure R-1, it is seen that he had undergone a total imprisonment/actual custody period of eight years and twenty seven days in all, in connection with the aforesaid two cases. This period of imprisonment is admittedly in excess of the total sentence awarded to him, even by joining the maximum parts of the sentence running concurrently, which would, therefore, have come to not more than seven years in all.

5. The custody certificate further goes to show that the petitioner is not wanted nor detained in connection with any other criminal case against him.

6. In the circumstances, the petitioner's prayer for setting off the

excessive period of detention undergone by him appears to be justified and equitable. The present petition is, therefore, allowed by this Court in exercise of its inherent power under Section 482 of the Code of Criminal Procedure.

04.09.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No