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

1. **CRR No.2672 of 2017 (O&M)**
Date of Decision: 14.02.2018

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

2. **CRR No.2673 of 2017 (O&M)**

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

3. **CRR No.2674 of 2017 (O&M)**

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

4. **CRR No.2677 of 2017 (O&M)**

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

5. **CRR No.2678 of 2017 (O&M)**

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

6. **CRR No.2680 of 2017 (O&M)**

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

7. **CRR No.2668 of 2017 (O&M)**

MANMOHAN SINGHPetitioner
Vs
M/S BANSAL TRADERSRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. K.S. Dadwal, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Vide this common order CRR Nos.2672, 2673, 2674, 2677, 2678, 2680 and 2668 of 2017 (O&M) are being decided. As common question of law is involved in all the petitions, therefore, facts are being taken from CRR No.2672 of 2017.

[2]. Petitioner has challenged the order dated 01.03.2017 passed by the Addl. Sessions Judge, Hoshiarpur whereby appeal against the judgement of conviction and order of sentence dated 06.12.2013 passed by the Judicial Magistrate Ist Class, Hoshiarpur was dismissed. An application i.e. CRM No.24450 of 2017 in CRR No.2668 of 2017 for running the sentences concurrently has also been filed.

[3]. Petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.5000/- along with default clause for the offence under Section 138 of the Negotiable Instruments Act, 1881

(hereinafter to be referred as 'the Act') by the trial Court on 06.12.2013. The conviction of the petitioner was maintained by the Addl. Sessions Judge, Hoshiarpur vide judgment dated 01.03.2017. Petitioner was involved in total seven cases of like nature. That is how the seven crl. revisions came to be filed before this Court.

[4]. Evidently, the petitioner has not surrendered after dismissal of the appeal by the first Appellate Court. On 31.10.2017, this fact was noticed by the Co-ordinate Bench of this Court. At that time, learned counsel for the petitioner submitted that the petitioner is ready to make payment of some amount to the complainant and he prayed for adjournment in order to seek complete instructions from his client.

[5]. Today, learned counsel for the petitioner submitted that the petitioner is undergoing treatment in Apollo Hospital and is not in a condition to make payment to the complainant.

[6]. On the other hand, learned counsel for the respondent submitted that total amount to the tune of Rs.69,76,453/- is involved in all the seven cases.

[7]. I have considered the submission made by learned counsel for the parties.

[8]. Since the petitioner is involved in more than one

case, therefore, in view of **Jang Singh vs. State of Punjab, 2008(1) R.C.R. (Criminal) 323**, the petitioner is habitual and has been found guilty on various counts. As per ratio of the aforecited case, petitioner is not entitled to the benefit of running of sentences concurrently. In the subsequent convictions, different cheques are involved having different amount at different times.

[9]. In view of **Nagpal Traders vs. Davinder Singh, (2017) 11 Supreme Court Cases 431** benefit of concurrency cannot be granted as different cheques are involved in different transactions. Admittedly no amount has been paid, rather petitioner availed period from 23.10.2017 till date, under the garb of readiness and willingness to pay some amount to the complainant. The amount covered by the cheques remained unpaid and it depends upon lookout of the trial Court that the offence under Section 138 of the Act should be of such nature as to give proper effect to the object of the legislation.

[10]. For the reasons recorded hereinabove, no indulgence can be granted in favour of the petitioner, even for consideration of running of sentences concurrently. All the petitions are hereby accordingly dismissed. Petitioner, who has not surrendered till date be taken into custody to undergo his remaining part of sentence.

[11]. Since the main petitions have been dismissed on merit, therefore, there is no need to adjudicate upon the applications for condonation of delay. Similarly, all other misc. applications are also disposed of.

February 14, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No