

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

Date of decision: 09.01.2018

1. CRR No.294 of 2017 (O&M)

Sunil @ Sheelu Versus State of Haryana

2. CRR No.314 of 2017 (O&M)

Sunil @ Sheelu Versus State of Haryana

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM No.39661 of 2017 in CRR No.314 of 2017

This is an application for issuance of a direction to the respondent to order that the sentence should run concurrently, for both sentences awarded to the petitioner/applicant. In FIR No.366 dated 17.06.2014 under Section 379 IPC registered at Police Station City Fatehabad, the trial Court vide judgment dated 03.03.2015 convicted the petitioner and sentenced him to undergo for 03 years RI and to pay a fine of Rs.3,000/-. This judgment was modified by the Lower Appellate Court vide its judgment dated 06.04.2016 by reducing sentence to 02 years RI and the petitioner has filed the present revision petition challenging the same.

In the second case i.e. FIR No.370 dated 19.06.2014 under Section 379 IPC Police Station City Fatehabad, the petitioner was convicted vide judgment dated 03.03.2015 and was sentenced 03 years RI and to pay a fine of Rs.3,000/-. The Lower Appellate Court vide its

judgment dated 06.04.2016, reduced the sentence to 02 years RI while upholding the fine of Rs.3,000/-.

Counsel for the applicant/petitioner submits that the petitioner has already undergone the total sentence in FIR No.366 dated 17.06.2014 and has undergone about 13 months in FIR No.370 dated 19.06.2014 and it is, thus, prayed that the sentence in both the cases may be ordered to run concurrently.

Counsel for the State on the basis of custody certificates dated 19.02.2017 and 30.10.2017 has submitted that the petitioner has undergone the total sentence in FIR No.366 and he is undergoing the sentence in FIR No.370.

Counsel for the applicant/petitioner has relied upon the judgment of the Hon'ble Supreme Court in ***“Anil Kumar vs State of Punjab”***, 2017(1) RCR (Criminal) 691 wherein the Hon'ble Supreme Court has held that in an appropriate case, considering the facts of the case, the Court can order the sentence to run concurrently with an earlier sentence imposed.

Counsel for the applicant/petitioner further submits that as per the provision of Section 427 Cr.P.C., the sentence awarded to the petitioner may be directed to run concurrently in both the FIRs.

Considering the fact that the applicant/petitioner has already undergone the total sentence in FIR No.366 and has also undergone in FIR No.370, the present application is partly allowed and it is directed that sentence awarded to the applicant/petitioner by the trial Court in FIR No.366 dated 17.06.2014 under Section 379 IPC Police Station City Fatehabad, as modified by the Lower Appellate Court as well as the sentence of 02 years RI awarded by the trial Court

in FIR No.370 dated 19.06.2014 under Section 379 IPC Police Station City Fatehabad as modified by the Lower Appellate Court shall run concurrently. Accordingly, the CRR No.314 of 2017 is disposed of.

CRM No.2715 of 2017 in CRR No.294 of 2017

Since, as per the custody certificate, the petitioner has undergone more than 1½ months of actual sentence, it is directed that the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court, if he is not involved in any other case.

The application stands disposed of accordingly.

CRR No.294 of 2017

List again on 14.03.2018.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

09.01.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No