

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15987-2019 (O&M)

Date of decision : 3.5.2019

Gopal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Petitioner has filed the present petition under Section 482 read with Section 427 of the Code of Criminal Procedure for directing the respondents to run the sentences awarded to the petitioner concurrently in case FIR No. 67 dated 6.4.2003, registered at Police Station Sampla, District Rohtak (for short 'the 1st FIR') and FIR No. 65 dated 07.04.2003, registered at Police Station Narnaund, District Hisar (for short 'the 2nd FIR').

It comes out that in the 1st FIR the petitioner along with the co-accused was convicted for the offences under Sections 392 of the Indian Penal Code and Section 25 of the Arms Act and sentenced to undergo maximum imprisonment for 10 years along with fine by learned Additional Sessions Judge, Rohtak. Appeal was heard by this Court and vide the judgment dated 7.1.2015, rigorous imprisonment of ten years was reduced to seven years for offence under Section 392 of the Indian Penal Code. The appeal was accordingly dismissed. In the 2nd FIR, petitioner along with his

co-accused was convicted by learned Additional Sessions Judge (Fast Tract Court), Hisar under Sections 395 and 412 of the Indian Penal Code and sentenced to undergo maximum imprisonment for 10 years along with fine. He was further convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment of two years along with fine. In the 2nd FIR, appeal was also filed before this Court and vide order dated 21.1.2015, sentence of ten years awarded under Sections 395 and 412 of the Indian Penal Code was reduced to seven years.

Now the application has been filed for concurrent running of the sentences.

Learned counsel for the petitioner contends that while arguing the second appeal, the then counsel could not make prayer for concurrent running of the sentences. He further contends that it is a case where the occurrence took place in the same car snatched in the Ist FIR. Therefore, the sentences should run concurrently.

I have carefully gone through the judgments of this Court passed on 7.1.2015 and 21.1.2015, respectively.

It comes out from the very outset that petitioner woke up after more than 04 years to pray for concurrent running of sentences. Even on merits, it further comes out that in the Ist case, the present petitioner along with the co-accused snatched a car on 5.4.2003 on Delhi Rohtak Highway. In the 2nd FIR, the petitioner on 7.4.2003, while riding the same car committed dacoity near Sirsa and Rs. 3,85,000/- carried by victim in the said case were snatched. All the accused broke up the front glass of the car

and also damaged the car. The accused were surrounded by the public and all the accused surrendered and were apprehended by the public at the spot. The facts of the case show that two separate crimes were committed on two separate dates at different places. Therefore, mere fact that the car robbed in the 1st FIR was used in the 2nd FIR also would not mean that it was a same transaction. The petitioner appears to be a habitual offender. They formed a gang to commit two crimes within the span of three days. On merits also there is no ground to order concurrent running of two sentences.

Dismissed.

(KULDIP SINGH)
JUDGE

3.5.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No