

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

114

CRM-M-40277-2021

Date of Decision: 27.09.2021

Swaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Gurmeet Dhillon, Advocate,
for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking issuance of a direction that the sentences imposed upon the petitioner in different cases under Section 138 of the Negotiable Instruments Act be ordered to run concurrently.
2. The petitioner was running 'The Poorvanchal Multi-State Co-operative Society Ltd.' having its operation in Uttar Pradesh, Bihar, Rajasthan, Haryana, Madhya Pradesh, Himachal Pradesh, Delhi, UT Chandigarh and Punjab. The petitioner was Vice President of the said Co-operative Society and was the authorized signatory. The said Society was running various businesses like shopping malls, health care etc. since 2013 and investors were being paid returns as agreed. However, as per the case of the petitioner, the Society suffered loss in the year 2016 on account of

demonetization leading to a financial crunch and dishonor of several cheques.

3. Learned counsel for the petitioner submits that the petitioner has been convicted in about 80 cases. While a list of 25 such cases decided by the learned JMIC, Sangrur has been annexed as Annexure P-1, learned counsel has referred to a custody certificate, which is annexed as Annexure P-2, wherein there is reference to another about 41 cases pertaining to District Patiala and also Zira, District Ferozepur. Learned counsel has submitted that while in some cases, appeals are pending, in some i.e. around 12 cases criminal revisions have also been filed in this Court. Learned counsel has submitted that in case the sentences imposed upon the petitioner in different cases are not ordered to run concurrently, the same would mean that the petitioner has to undergo more than 100 years of sentence, which is not practicable.
4. I have heard learned counsel for the petitioner.
5. This Court finds that complete details in respect of all the cases, which are pending or decided and/or in respect of which appeals/criminal revisions are pending have not been furnished. The petitioner is not entitled for concurrency of the sentences as a matter of right, but would be required to make out a case. There may be certain instances where cheques are found to have been issued in the same transaction, that the Court may in its discretion order for concurrency of sentences. However, in order to ascertain as to whether the cheques were issued in the same transaction, the facts of each of the case would be required to be borne in mind.

Since the petitioner has not annexed any judgment or any complaint with the petition, this Court is unable to examine the said aspect.

6. Still further, this Court is of the opinion that when criminal revisions in certain cases have already been filed in this Court and are pending, it will be more appropriate that the question regarding concurrency of sentences be examined when said criminal revisions are adjudicated upon and it will not be appropriate that the same be examined in separate proceedings before this very Court.
7. The instant petition, as such, is disposed of with liberty to the petitioner to move appropriate applications delineating all the requisite details of all the cases where appeals/criminal revisions are pending instead of filing a separate petition under Section 482 Cr.P.C.

27.09.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**