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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9177-2024 (O&M)
Date of decision: 13.03.2024

Kura Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashwani Vaishnav, Advocate
for the petitioner

Ms. Geeta Sharma, DAG Haryana

HARPREET SINGH BRAR, J. (ORAL)

1. The instant petition is preferred under Section 482 Cr.P.C. for issuance of directions to order running the sentences concurrently qua the petitioner, who has been convicted in five different criminal complaint cases under Section 138 read with 142 of the Negotiable Instruments Act (hereinafter ‘NI Act’). The petitioner has been sentenced as follows:

Complaint	Sentence
NACT-722-2019 dated 02.05.2019	Simple imprisonment for 6 months and compensation of double the cheque amount, in default of which further simple imprisonment of 45 days
NACT-361-2019 dated 27.02.2019	Simple imprisonment for 6 months and compensation of double the cheque amount, in default of which further simple imprisonment of 45 days
NACT-277-2019 dated 14.02.2019	Simple imprisonment for 6 months and compensation of double the cheque amount, in default of which further simple imprisonment of 45 days
NACT-682-2019 dated 29.04.2019	Simple imprisonment for 6 months and compensation of double the cheque amount, in default of which further simple imprisonment of 45 days

NACT-1491-2019 dated 25.09.2019	Simple imprisonment for 6 months and compensation of double the cheque amount, in default of which further simple imprisonment of 45 days
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2. The petitioner’s respective appeals against all five orders of conviction dated 01.08.2022 (Annexure P-1 to P-5) passed by learned Judicial Magistrate Ist Class, Kurukshetra, are still pending.
3. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner has been convicted and sentenced separately in five criminal complaints under Section 138 of the NI Act. The petitioner prays for the sentences to be ordered to have run concurrently so he can return to his family.
4. The Hon’ble Supreme Court in **Shyam Pal and Dayawati Besoya and Another 2016(4) R.C.R(Criminal) 790** reaffirmed the ratio of law laid down in **V.K. Bansal v. State of Haryana and Another 2013(3) R.C.R(Civil) 1052** to hold that the power bestowed upon the Courts under Section 427 of the Cr.P.C is discretionary in nature and should not be exercised in a mechanical fashion. This Court in **Dayal Chand v. Punjab State Warehousing Corporation, Punjab, Chandigarh and Others 2018 SCC Online P&H 7549**, **Ranjit Singh v. State of Punjab CRM-M-32996-2017** decided on 15.09.2017, **Shashi Bhushan v. State of Haryana and others 2020 (1) R.C.R (Criminal) 208** and **Prem Singh v. State of Haryana and another CRM-M-44757-2023** decided on 12.12.2023, in view of the ratio laid down by the Hon’ble Supreme Court, has ordered for sentences to be run concurrently. Therefore, considering the fact that the nature of the complaints are similar and that the petitioner has already undergone sentence of 2 years, the matter is remanded back to the learned lower Appellate Court to reconsider and decide the matter in light of the aforementioned judgments.

5. Pending miscellaneous applications, if any, also stands disposed of.

March 13, 2024
Pankaj*

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>