

2025:PHHC:152242



CRM-M-16419 of 2020 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(270)

CRM-M-16419-2020 (O & M)

Date of decision: 04.11.2025

Ramesh Kumar alias Kaka

..... Petitioner(s)

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Lupil Gupta, Advocate,
with Mr. Sanjeet Sood, Advocate,
for the petitioner(s).

Ms. Nav Reet K. Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is under Section 482 Cr.P.C. read with Section 427 Cr.P.C. is for issuance of directions that the sentence imposed upon the petitioner vide two separate judgments dated 04.10.2019 (Annexure P-1) and 03.01.2020 (Annexure P-3) passed by the Judge, Special Court, Mansa, be ordered to run concurrently.

2. The brief facts of the case are that an FIR No.22 dated 16.03.2015 under Sections 15, 61, 85 of the NDPS Act, 1985, Police Station Sardulgarh, District Mansa came to be registered against the petitioner. He came to be convicted and sentenced by the Court of Judge, Special Court, Mansa vide a judgment of conviction and order of sentence dated 04.10.2019 as under:-



CRM-M-16419 of 2020 (O & M)

::2::

Offence Section	Under	Sentence	Fine	In default of payment of fine
15(b) of the NDPS Act		RI 02 years	Rs.10,000/-	RI 06 months

3. Later, his appeal came to be admitted and he was granted the concession of suspension of sentence.
4. The petitioner also faced Trial in FIR No.79 dated 09.10.2017 under Section 22 of the NDPS Act, 1985, Police Station Jourkian, District Mansa. He came to be convicted and sentenced by the Court of Judge, Special Court, Mansa vide a judgment of conviction and order of sentence dated 03.01.2020 as under:-

Offence Section	Under	Sentence	Fine	In default of payment of fine
22(b) of the NDPS Act		RI 04 years	Rs.10,000/-	RI 06 months

5. The learned counsel for the petitioner contends that the sentences imposed upon the petitioner in both the cases be ordered to run concurrently otherwise, the petitioner would have to undergo 02 years rigorous imprisonment in the first case and, thereafter, 04 years rigorous imprisonment in the second which would cause great injustice to him.
6. The learned counsel for the State, on the other hand, contends that a reading of Section 427 Cr.P.C. would show that the sentence in each case is to run consecutively. Even otherwise, the petitioner is a habitual offender with multiple other cases of a similar nature registered against him. Therefore, he prays that the present petition is liable to be dismissed.

7. I have heard the learned counsel for the parties.



CRM-M-16419 of 2020 (O & M)

::3::

8. It would be apposite to refer to the provisions of Section 427 Cr.P.C., which are reproduced as under:-

Section 427 Cr.P.C.: Sentence on offender already sentenced for another offence

(1) When a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced, unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence;

Provided that where a person who has been sentenced to imprisonment by an order under section 122 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.

(2) When a person already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment for a term or imprisonment for life, the subsequent sentence shall run concurrently with such previous sentence.

9. A perusal of Section 427(1) Cr.P.C. would reveal that where a person is undergoing a sentence of imprisonment, on a subsequent conviction, is sentenced to further imprisonment then the two sentences imposed upon the convict would run consecutively unless the Court directs that the subsequent sentence would run concurrently with the said previous sentence.

10. In the present case, admittedly, the petitioner was convicted and sentenced for 02 years rigorous imprisonment after being convicted in the

Trial emanating from the FIR No.22 dated 16.03.2015 under Sections 15,



CRM-M-16419 of 2020 (O & M)

::4::

61, 85 of the NDPS Act, 1985, Police Station Sardulgarh, District Mansa. He later faced Trial emanating from FIR No.79 dated 09.10.2017 under Section 22 of the NDPS Act, 1985, Police Station Jourkian, District Mansa and came to be convicted and sentenced for a period of 04 years. He is a habitual offender with multiple cases registered against him, though, in some of which he has been acquitted. There is absolutely no connection between his conviction in the first case and that in the second. Therefore, there is no justifiable reason for this Court to order that the sentences imposed in both the aforementioned cases to run concurrently.

11. In view of the above, I find no merit in the present petition and the same stands dismissed.

12. This petition stands disposed of.

13. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

November 04, 2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No