



CRM-M-27547-2025

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

CRM-M-27547-2025
Decided on: 19.08.2025

Nar Singh Rathee

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Jaswal, Advocate, for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana with
Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for running the sentence concurrent awarded by learned JMIC, Panipat, in three cases i.e. Criminal Complaint No.NACT/105/2018 dated 17.05.2018, Criminal Complaint No.NACT/176/ 2018, dated 18.08.2018 and Criminal Complaint No.NACT/177/2018 dated 18.08.2018 as all the said cases have arisen out of common complaint under Section 138 of the Negotiable Instruments Act, 1881.

2. It has been contended by learned counsel for the petitioner that the petitioner was prosecuted in said three complaints filed by respondent No.2, however, he has been separately convicted and sentenced in these complaints. He submits that all these complaints arise out of a single transaction. He has relied upon the law laid down by Hon'ble Supreme Court in **V.K. Bansal vs. State of Haryana and others, 2013(3) SCC (Cri) 282** and has submitted that when multiple convictions arise from one transaction, the sentences should run concurrently. He, thus, submits that the petitioner had been convicted in three complaints and three different



sentences had been awarded by learned trial Court vide orders dated 05.04.2024 and in view of the law settled, the sentences awarded to him, deserve to be run concurrently.

3. Learned State counsel has opposed the submissions made by counsel for the petitioner. However, he is not able to dispute the fact that all the dishonoured cheques originated from the same transaction. He has endorsed the law settled by Hon'ble Supreme Court.

4. Heard learned counsel for the parties and perused the record with their able assistance. To resolve the controversy involved in the present case, appreciation of Section 427 Cr.P.C. (Section 467 of BNSS, 2023) is required, which reads as under:-

“427. 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.”

5. Perusal of the aforesaid Section would show that it empowers the Court with discretion to direct the sentences to run consecutively or concurrently depending on the facts and circumstances of the each case. The nature and scope of Section 427 Cr.P.C. has been discussed by Hon’ble Supreme Court in V.K. Bansal’s case (supra), wherein, it has been held that there is no fixed formula for directing concurrent and consecutive running of sentences and such discretion has to be exercised judiciously and not in a mechanical manner. Relevant part of the said judgments reads as under:

“9. That upon a subsequent conviction the imprisonment or imprisonment for life shall commence at the expiration of the imprisonment which has been previously awarded is manifest from a plain reading of the above. The only contingency in which this position will not hold good is where the Court directs otherwise. Proviso to sub-section (1) to Section 427 is not for the present relevant as the same deals with cases where the person concerned is sentenced to imprisonment by an order under Section 122 in default of furnishing security which is not the position in the case at hand. Similarly sub-section (2) to Section 427 deals with situations where 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. Sub-section (2) provides that the subsequent sentence shall in such a case run concurrently with such previous sentence.

10. We are in the case at hand concerned more with the nature of power available to the Court under Section 427(1) of the Code, which in our opinion stipulates a general rule to be followed except in three situations, one falling under the proviso to sub-section (1) to Section 427, the second falling



under sub-section (2) thereof and the third where the Court directs that the sentences shall run concurrently. It is manifest from Section 427(1) that the Court has the power and the discretion to issue a direction but in the very nature of the power so conferred upon the Court the discretionary power shall have to be exercised along judicial lines and not in a mechanical, wooden or pedantic manner. It is difficult to lay down any strait jacket approach in the matter of exercise of such discretion by the Courts. There is no cut and dried formula for the Court to follow in the matter of issue or refusal of a direction within the contemplation of Section 427(1). Whether or not a direction ought to be issued in a given case would depend upon the nature of the offence or offences committed, and the fact situation in which the question of concurrent running of the sentences arises. High Courts in this country have, therefore, invoked and exercised their discretion to issue directions for concurrent running of sentence as much as they have declined such benefit to the prisoners...

....12. There are also cases where the High Courts have depending upon whether facts forming the basis of prosecution arise out of a single transaction or transactions that are akin to each other directed that the sentences awarded should run concurrently. As for instance the High Court of Allahabad has in *Mulaim Singh vs. State* 1974 CrL. L.J. 1397 directed the sentence to run concurrently since the nature of the offence and the transactions thereto were akin to each other. Suffice it to say that the discretion vested in the Court for a direction in terms of Section 427 can and ought to be exercised having regard to the nature of the offence committed and the facts situation, in which the question arises. ”

6. Thus, weighing the fact and circumstances of the presence case on the anvil of law settled, this Court finds that three complaints filed against the petitioner had been arisen from the same transaction and three different sentences had been awarded to him by learned trial Court. Hence, in view of the law settled, the present petition is allowed and the sentences awarded to the petitioner in all three complaints are directed to run concurrently. However, the default as well as compensation clause recorded in the impugned orders of sentence shall remain intact.

19.08.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No