



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

277

CRM-M-30595-2024

Date of decision: 4th September, 2025

Manjinder Singh @ Billa

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranwant Singh Sangha, Advocate for the petitioner.

Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

By way of this petition, the petitioner has made prayer for issuance of direction that the sentences awarded to him in case bearing FIR No. 08 dated 07.02.1999 registered under Sections 302, 364, 148 and 149 of IPC at Police Station City Fazilka, District Ferozepur, be ordered to run concurrently and not consecutively.

2. The petitioner had been booked for commission of aforementioned offences and faced trial for the same. Vide judgment dated 19.02.2004, he was held guilty under Sections 302 read with Section 149 and Section 364 of IPC. Then vide order dated 19.02.2004, he was sentenced to undergo life imprisonment for offence under Section 302 read with Section 149 and to undergo rigorous imprisonment for a period of five years under Section 364 of IPC. The learned trial Court did not mention in its order as to whether the sentences so awarded to the petitioner were to run



concurrently or consecutively. The grievance of the petitioner is that these sentences are treated by the respondents to be run as consecutively.

3. It is argued by learned counsel for the petitioner that since the petitioner was convicted at one trial of two offences in one trial, it was for the trial Court to pass an order for concurrent running of the sentences in accordance with the provisions of Section 31 and 427 of Code of criminal procedure and since no such order had been passed, the same could not be ordered to be treated as consecutive sentences. It is also submitted that grave miscarriage of justice is being caused to the petitioner due to the fact that the sentences awarded to him in one trial are treated as consecutive sentences. In support of his case, learned counsel for the petitioner has relied upon ***O.M Cherian @ Thankachan vs State Of Kerala & Ors, (2015) 2 SCC, 501.***

4. Reply has not been filed by the respondent-State. Learned State counsel has, however, not controverted the position of law in this regard and has not raised any serious objection.

5. This Court has given thoughtful consideration to the matter.

6. At the outset, it may be mentioned that Section 31 of the Code of Criminal Procedure, relates to the quantum of punishment which may be legally passed when there is one trial and the accused is convicted of two or more offences in the same. As per this provision, subject to the provisions of Section 71 of IPC, the Court may pass separate sentences for two or more offences of which the accused is found guilty, but the aggregate punishment must not exceed the limit fixed in the proviso which is 14 years. In ***O.M Cherian @ Thankachan's case (supra)***, the Hon'ble Supreme Court has observed that the words "*unless the Court directs that such punishments*



shall run concurrently” occurring in sub-Section (1) of Section 31 make it clear that this Sections vests a discretion in the Court to direct that punishment shall run concurrently, when the accused is convicted in one trial for two or more offences. It was observed that under Section 31 of the Code, the Court has power and discretion to issue a direction for concurrent running of the sentences when the accused is convicted at one trial for two or more offences. This provision also authorizes the concurrent sentences in case of substantive sentences of imprisonment. In this case, apart from the present petitioner, two more accused namely Balur @ Balaury and Ashok Kumar were held guilty and were convicted for commission of more than one offences. The co-accused Balur @ Balaury and Ashok Kumar filed a petition making the same prayer for concurrent running of the sentences as learned trial Court had not passed any specific order for concurrent or consecutive running of the sentences. In the said petition bearing CRM-M-41678-2020, a co-ordinate Bench of this Court had passed order for concurrent running of the sentence as awarded to the co-accused under the provisions of Section 427 read with Section 31 of Cr.P.C. by observing that the learned trial Court had not made any discussion as to why the sentences should run consecutively and not concurrently on the face of the judgment and it amounted to miscarriage of justice. The case of the petitioner is at similar footing. The offences for which he had been held guilty and convicted were part of the same occurrence/transaction. If the learned trial Court intended consecutive running of those sentences, it must have clarified the same. As such, in the absence of any specific order passed by the learned trial Court, it would not be justified to treat the sentences as awarded to the



petitioner to run consecutively. Accordingly, the petition is allowed and in exercise of the inherent powers of this Court under Section 482 of the Code of Criminal Procedure and to prevent the miscarriage of justice, it is ordered that the sentences as awarded to the petitioner shall be run concurrently. Accordingly, the petition is allowed.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th September, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |