

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

241

2026.PHHC.020448



CRR-1134-2025 (O&M).
Decided on: February 10, 2026.

MANOJ ALIAS SHERU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Sabir Singh, Advocate, (Legal-aid-counsel)
for the petitioner.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant revision petition has been preferred against the judgment dated 02.04.2019 passed in CrI. Appeal bearing CIS No.112 of 2016, by the Additional Sessions Judge, Sonapat, whereby the judgment of conviction dated 06.05.2016 and order of sentence dated 10.05.2016 passed by the Sub Divisional Judicial Magistrate, Ganaur in criminal case bearing CIS No.CHI/78 of 2015 dated 14.12.2015 arising out of FIR No.610 dated 01.12.2015, under Sections 8/9 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, registered at Police, Station, Ganaur has been upheld. The petitioner-convict was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.100/-

2 At the very outset, learned counsel contends that he restricts his prayer and challenge to the extent whereby the sentences were ordered to run consecutively.

3 Learned counsel appearing on behalf of the petitioner contends that both the Courts erred in directing consecutive running of the sentence of one year awarded to the petitioner, in addition to the life sentence already being undergone by him for the offence under Section 302 of the Indian Penal Code, 1860.

4 Learned counsel for the petitioner submits that the petitioner was already undergoing imprisonment for life at the time of his subsequent conviction. In view of the mandate of Section 427(2) Cr.P.C., 1973 the subsequent sentence is required to run concurrently with the previous sentence. Non-grant of such statutory benefit is therefore contrary to law.

5 Counsel further relies upon the judgment of Supreme Court in the matter of **State of Andhra Pradesh and another Vs. Vijayanagaram Chinna Reddappa' passed in Special Leave Petition (Criminal)No.2820 of 2023 decided on 28.04.2023.** The relevant part of the same is extracted 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.”

At the outset, we must remember that we are dealing with the case of an escaped convict. Therefore, the case of the detenu would obviously be covered by Section 426(2)(b), which deals with case of an escaped convict, already serving a sentence severer in kind, but imposed with a less severe sentence in respect of a subsequent conviction. Section 426(2)(b) Cr.P.C. states that insofar as an escaped convict is concerned, the sentence imposed in the second or subsequent conviction shall take effect only after the escaped convict has suffered imprisonment for a further period equal to that which at the time of escape remained unexpired of his former sentence.

But insofar as a life convict is concerned, in law, no part of the sentence remains unexpired. The remission granted by the Government to a life convict, cannot be taken to mean that there is some portion of the life sentence that remains unexpired in the same

sense as in the case of other convicts. A life sentence is a sentence for life. What remains unexpired of such a sentence is known only to God (if you believe) and to the Government, if there is a policy of remission. Therefore, Section 426(2)(b) cannot be taken to have included within its fold, the case of a life convict, since in the case of life convict no portion of the sentence remains unexpired, in the technical sense.

If Section 426(2)(b) Cr.P.C. is out of the picture, then what remains is Section 427(2) Cr.P.C. Under Section 427(2) Cr.P.C., the subsequent sentence should run concurrently along with a previous sentence, if 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.

Therefore, while Section 426 covers the case of an escaped convict, clause (b) of sub-section (2) thereof creates a conundrum in respect of life convicts. But Section 427, though does not deal with the case of an escaped convict, provides enough room for finding out how a sentence imposed on a subsequent conviction, in respect of a life convict, should be handled.

Therefore, the application of Section 427(2) Cr.P.C. by the High Court to the case on hand, is perfectly in order and the appeal deserves to be dismissed.

6 Learned State counsel vehemently opposes the petition and submits that both the Courts have rightly upheld the conviction and sentence was awarded to the petitioner in accordance with law. It is further argued that no illegality or perversity is made out in the impugned judgments warranting interference by this Court.

7 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

8 Section 427(2) Cr.P.C. expressly provides that when a person already undergoing a sentence of imprisonment for life is subsequently sentenced to imprisonment for a term or for life, such subsequent sentence shall run concurrently with the previous sentence. Unlike Section 427(1) which confers discretion upon the Court, the provision under Section 427(2) is mandatory and does not leave any discretion with the Court to direct otherwise.

9 The legal position is no longer res integra. It has been consistently held that a sentence of imprisonment for life ordinarily means incarceration for the remainder of the natural life of the convict, unless remitted in accordance with law. In the present case, it is undisputed that the petitioner was already undergoing imprisonment for life at the time of passing of the subsequent judgment of conviction awarding another sentence of imprisonment for a term of one year. In such circumstances, the petitioner is statutorily entitled to the benefit of Section 427(2) Cr.P.C., irrespective of whether the trial court expressly directed concurrent running of sentences or not. Denial of the benefit under Section 427(2) Cr.P.C. would amount to a patent illegality warranting interference in revisional jurisdiction.

10 Accordingly, the present revision petition is allowed to the extent as prayed for. It is hence ordered that the sentence of imprisonment for a term of one year, imposed upon the petitioner in his subsequent

conviction, shall run concurrently with the sentence of imprisonment for life imposed in the earlier conviction, in light of Section 427(2) Cr.P.C.

The respondents are directed to give effect to this order forthwith and extend all consequential benefits to the petitioner in accordance with law.

11 The petition stands allowed accordingly.

February 10, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No