

(2025) 04 SC CK 0199

In the Supreme Court Of India

Case No : Criminal Appeal No. 1840 Of 2025 (Arising Out Of Special Leave
Petition (Criminal) No. 12497 Of 2024)

Karan Singh

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 09-04-2025

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302Haryana Good
Conduct Prisoners (Temporary Release) Act, 1988 — Section 6, 8, 9</
li>Prisoners Act, 1988 — Section 9, 9(1)

Citation : (2025) 04 SC CK 0199

Hon'ble Judges : B.R. Gavai, J;Augustine George Masih, J

Bench : Division Bench

Advocate : Rishi Malhotra, Prem Malhotra, Ansuiya, Shivaansh Maini, Vishal
Mahajan, Samar Vijay Singh, Sabarni Som, Fateh Singh, Keshav Mittal

Final Decision : Allowed

Judgement

B.R. Gavai, J

1. Leave granted.

2. The appellant has approached this Court by way of present appeal challenging the order dated 9th May 2024 passed by the learned Single Judge of the High Court of Punjab and Haryana at Chandigarh in CRR No. 944 of 2023 (O&M), thereby dismissing the revision petition filed by the present appellant.

3. The facts, in brief, giving rise to the present appeal are as under:

3.1 In an FIR being No.2 of 2005 dated 7th January 2005 registered at Police Station Sadar, Dadri, the appellant was implicated for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short "IPC").

3.2 Upon appreciation of the evidence at the conclusion of the trial, the appellant

came to be convicted for the offence punishable under Section 302 IPC vide judgment and order dated 8th February 2007 in Sessions Case No. 5 of 2005.

3.3 The said conviction and sentence was affirmed by the High Court vide its judgment and order dated 6th February 2009.

3.4 While the appellant was undergoing the sentence of life imprisonment, he was released on parole vide order dated 21st April 2010 for a period of six weeks. However, since the appellant did not surrender within the specified period, he came to be arrested on 30th June 2010.

3.5 Since the appellant had not surrendered within the prescribed period, an FIR being No.224 dated 17th June 2010 came to be registered against the appellant for the offences punishable under Section 8/9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as "Prisoners Act, 1988").

3.6 The appellant came to be convicted for the said offence vide judgment and order dated 11/13th November 2010 and was sentenced to undergo rigorous imprisonment for 2 years. 3.7 The appeal challenging the same came to be dismissed by the learned Additional Sessions Judge, Bhiwani, vide order dated 25th November 2013.

3.8 Being aggrieved thereby, the Revision Petition was preferred by the appellant before the High Court.

3.9 By the impugned judgment and order, the Revision Petition has also been dismissed.

4. We have heard learned counsel appearing on behalf of both the parties.

5. Mr. Rishi Malhotra, learned Senior Counsel appearing on behalf of the appellant submits that insofar as the main offence under Section 302 IPC is concerned, the appellant has already been granted remission vide order dated 26th September 2024, however, the appellant could not avail the benefit of the same on account of the sentence awarded to him under the Prisoners Act, 1988. He submits that the sentence awarded under the Prisoners Act, 1988 was to run consequently and would commence after he had served out his sentence in the main offence. He submits that when an accused is sentenced to life imprisonment, all other sentences are required to be run concurrently and it cannot be in addition to the life sentence.

6. We do not propose to go into the wider issue raised by Shri Malhotra, inasmuch as we find that the appeal deserves to be allowed on other grounds.

7. Learned counsel appearing for the respondent-State vehemently opposes the appeal. She submits that now the Prisoners Act, 1988 has been amended with effect from 1st October 2012, and it prescribes for a minimum sentence of two years, as such the appeal is without merits.

8. Section 9 of the Prisoners Act, 1988, reads as follows:

"9. (1) Any prisoner who is liable to be arrested under sub-section(2) of section 8, shall be punishable with imprisonment of either description which may extend to three years with fine.

(2) An offence punishable under sub-section(1) shall be deemed to be cognizable and non-bailable. Explanation:- The punishment in this section is in addition to the punishment awarded to the prisoner for the offence for which he was convicted"

9. Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012 reads thus:

"6. In sub-section (1) of Section 9 of the Principal Act, for the words "three years and with fine", the words "three years but shall not be less than two years" shall be substituted."

10. It could thus be seen that while Section 9 of the Prisoners Act, 1988 provides for a maximum sentence of three years, it does not prescribe a minimum sentence for the offence punishable under it.

11. Insofar as the contention of the learned counsel for the State with regard to the amendment to Section 9 of the Prisoners Act, 1988 is concerned, it is pertinent to note that the amendment came into effect on 1st October 2012, whereas the offence was committed on 17th June 2010 and the order of sentence was issued on 11/13th November 2010. As such, the said amendment would not be applicable in the facts of the present case.

12. In the present case, it can be seen that it is not the case of the respondent-State that the appellant was habitually not reporting to prison within the prescribed time. It appears that the offence for which the appellant was convicted under the Prisoners Act, 1988 was the first such instance.

13. The appellant has already been granted remission for the main offence under Section 302 IPC. However, following the date of remission, the appellant has undergone an additional incarceration of approximately 10 months.

14. In the facts of the case, we therefore find that the sentence already undergone would subserve the ends of justice for the offence punishable under the Prisoners Act, 1988.

15. In the result, the appeal is allowed. The impugned judgment and order dated 9th May 2024 passed by the learned Single Judge of the High Court of Punjab and Haryana at Chandigarh in CRR No. 944 of 2023 is quashed and set aside.

16. Since the appellant has already been granted remission for the main offence under Section 302 IPC, he is directed to be released forthwith, if not required in any other case.

17. Pending application, if any, shall stand disposed of.