

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20776 of 2015
Date of Decision : 01.07.2015

Darshan Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Ramandeep Singh, Advocate
for the petitioner.

R.P. Nagrath, J.

The petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C. seeking to quash order dated 16.05.2012 (Annexure P-1) passed by the Collector, Sirsa imposing a penalty of ₹ 1 lac upon the petitioner regarding forfeiture of the surety bonds which he furnished for release of Om Parkash son of Mani Ram, a life convict on four weeks' parole. The order of releasing Om Parkash aforesaid on parole was passed on 02.06.2011. Om Parkash convict was ordered to be released on executing two surety bonds of the value of ₹ 2 lacs each. The convict did not appear and surrender on expiry of the period of parole and proceedings for forfeiture of surety bonds commenced. Notice was served upon the petitioner and the other surety Mahender Singh and they appeared before the Collector in person when the impugned order dated 16.05.2012 was passed.

The submission of petitioner before the Collector was that

surety made vigorous attempts for search and arrest of the convict and incurred huge expenses but failed to get him arrested. Looking into the aforesaid contention, half of the amount of surety was remitted.

I have heard learned counsel for the petitioner, perused the impugned order and the paper-book.

The petitioner stood surety for life convict Om Parkash for the offence of murder in FIR No. 425 dated 19.06.2008, Police Station Sirsa, District Sirsa. Learned counsel for the petitioner, submitted that after a period of 2 years, 7 months and 16 days of the release on parole convict Om Parkash has since surrendered and undergoing rest of the sentence. Even FIR against the convict for offences under Sections 8/9 of the Probation of Offenders Act, 1958 has been registered.

I am of the considered view that learned Collector has already taken a very lenient view in imposing ₹ 1 lac as penalty upon the petitioner for forfeiture of the surety bond in respect of a life convict, who was granted parole for four weeks. Till the passing of order by the Collector on 16.05.2012, the convict was not arrested nor surrendered in jail. What is more intriguing is that impugned order has been assailed after more than 3 years. In the circumstances, this Court would be slow in showing indulgence when there is such a huge delay. The petition to challenge the impugned order should have been filed within a reasonable time. Even after surrender/arrest of the convict, the instant petition has been filed after about one year and four months.

Anyhow, it is admitted fact that the convict remained

absconding for another about one year after the impugned order was passed by the Collector. No document in fact has been placed on record that the petitioner made any contribution in helping arrest of the convict who is now in custody with effect from 24.02.2014.

So, I find neither any merit in the instant petition nor this Court is prepared to invoke its extraordinary jurisdiction to interfere in the impugned order.

Dismissed.

July 01, 2015

jk

**(R.P. NAGRATH)
JUDGE**