

CRM-M-26569-2014

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 08.09.2015

Satpalgir and another

...Petitioners

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Sharma, Advocate,
for the petitioners.

Ms. Trishanjali Sharma, AAG, Punjab.

SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 11.07.2014.

Learned counsel for the petitioners has submitted that the convict Randhir Singh was released on parole from 02.09.2013 to 15.10.2013. Petitioners had furnished the necessary surety bonds in the sum of ₹1,00,000/- each. However, Randhir Singh convict did not surrender before the jail authorities on the stipulated date. Later Randhir Singh was arrested with the efforts of the petitioners and presently he is undergoing the remaining part of the sentence. Learned

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counsel for the petitioner has further submitted that in these circumstances the impugned order passed by respondent No.2 was harsh.

Learned State counsel, on the other hand has opposed the petition.

In the present case, admittedly petitioners had furnished surety bonds at the time of release of respondent No.6 on parole. Respondent No.6 did not surrender before the jail authorities within the stipulated period. However, petitioners helped the police in arresting respondent No.6 and presently he is undergoing the sentence. Thus, in the present case, the petitioners have satisfied the purpose for which they had stood surety qua the convict respondent No.6. Although, the purpose was achieved after a little delay but the fact remains that the convict was arrested with the help of the petitioners. Respondent No.6 was proceeded for violating the provisions of Haryana Good Conduct Prisoner Act (Temporary Release) Act, 1988 and FIR No.418 dated 07.11.2013 was registered against him.

In view of the facts and circumstances of the present case, it would be just and expedient to set aside the impugned order dated 11.07.2014 vide which petitioners have been imposed penalty to the tune of ₹1,00,000 each i.e. the amount of surety submitted by them at the time of release of

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respondent No.6 on parole.

Accordingly, this petition is allowed. Impugned
order dated 11.07.2014 is set aside.

September 08, 2015
kapil

(SABINA)
JUDGE