

**Sr. No. 230
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-39203 of 2011
Date of Decision: 03.11.2015**

Harchand and another

--Petitioners

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. S.S.Khurana, Advocate,
for the petitioners.

Mr. M.K.Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 19.10.2009 (Annexure P-4), whereby an amount of Rs.1,00,000/- was imposed on each of the petitioners by way of penalty because the person for whom they stood surety, failed to appear in the Court.

Notice of motion was issued and pursuant thereto reply has been filed.

Learned counsel for the petitioners submits that the amount of penalty imposed on the petitioners is on very higher side. He submits that a lesser amount would have been sufficient . He also submits that it were the petitioners who made the accused appear in the Court, which shows the bona fide on the part of the petitioners. He prays for allowing the present petition by suitably modifying the impugned order .

On the other hand, learned counsel for the State submits that since the impugned order was passed after complying with the

principles of natural justice, the same does not suffer from any arbitrariness nor the amount of penalty imposed was on the higher side. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that in the given fact situation of the present case, amount imposed on the petitioners by way of penalty, while passing the impugned order is certainly on higher side which is not justified in the peculiar facts and circumstances of the case and the impugned order deserves to be modified.

It is matter of record that it were the petitioners themselves who made the accused appear in the Court. This sincere effort made on behalf of the petitioners certainly goes to show about the bona fide intention of the petitioners. Petitioners are certainly entitled for some relief for showing this gesture on their part. Further, learned District Magistrate has failed to record any reason much less cogent reason to justify imposition of an amount of Rs.1,00,000/- on each of the petitioners. Thus, the impugned order cannot be sustained as it is.

No other argument was raised.

Considering the peculiar facts and circumstances noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present petition deserves to be partly allowed. Accordingly, the imposition of Rs. 25,000/- on each of the petitioners would squarely meet the ends of justice. The impugned order stands modified accordingly.

Resultantly, with the above said observations made and directions issued, present petition stands allowed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

03.11.2015
vandana