

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRWP No. 1179 of 2015 (O&M)
Date of decision : 01.09.2015**

Shokat Ali

..... Petitioner

Vs

State of Haryana & Ors.

.....Respondents

Coram : Hon'ble Mrs. Justice Daya Chaudhary

- 1. Whether Reporters of 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. A.S. Trikha, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Haryana.

Daya Chaudhary, J. (oral)

Learned counsel for the petitioner submits that the petitioner is undergoing life imprisonment for the last more than 8 years in case FIR No. 105 dated 30.5.2007 under Sections 364, 302, 201, 109 IPC registered at Police Station Kharkhoda, District Sonapat as he had been convicted and sentenced by the trial Court vide judgment dated 4.6.2009. The petitioner was allowed furlough for a period of three weeks to the satisfaction of the District Magistrate concerned on his furnishing bail/surety bonds but the same was not accepted in spite of making various requests and as such the petitioner was not released on furlough. Learned counsel for the petitioner further submits that the petitioner is ready to furnish private sureties as he cannot be insisted to furnish the surety of government official.

Learned counsel has relied upon a Division Bench judgment of this Court rendered in ***Amit vs. State of Haryana and others*** CrI.W.P. No. 207 of 2015 wherein it was held that the accused cannot be insisted to furnish surety of a Government official, which is difficult to be furnished by the accused person and the petition was allowed with a direction to Sub Divisional Magistrate concerned to accept the surety of a private person. The relevant portion of the judgment is reproduced as under :-

“Therefore, a surety that is to be furnished by a convict for his temporary release on parole or furlough is not to be unreasonable or excessive and in case, it is so remedial orders can be passed by this Court in exercise of its extra-ordinary writ jurisdiction.”

In the case in hand also an unreasonable condition has been imposed upon the petitioner whereas the petitioner is ready to furnish private surety to the satisfaction of Sub Divisional Magistrate.

Learned counsel for the State submits that furlough has already been sanctioned and it is now on respondent No.3 to accept the surety.

Heard learned counsel for the parties and have also perused the documents available on record.

Admittedly, the furlough has been allowed by respondent No.3 but the surety has not been accepted as the Sub Divisional Magistrate is insisting upon furnishing the surety of a government official. The petitioner is ready furnish personal surety to the satisfaction of the concerned authority.

In view of what has been discussed above, the writ petition is allowed with a direction to Sub Divisional Magistrate/Duty Magistrate (North) Delhi- respondent No.3 to accept two private sureties instead of a government surety to the tune of Rs. 2 lacs each.

(DAYA CHAUDHARY)
JUDGE

01.09.2015

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