

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34713-2016

Date of decision-28.09.2016

Baldev Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing/setting aside the order dated 20.11.2015 (Annexure P-1) passed by the learned District Magistrate, Sri Muktsar Sahib whereby the recovery of a surety amount of ₹.2 lacs as land revenue has been ordered to be effected from the moveable and immoveable property of the petitioner and order dated 09.08.2016 (Annexure P-2) passed by learned Additional Sessions Judge, Sri Muktsar Sahib dismissing the revision petition.

It is contended that one Jaswinder Singh faced trial under the Narcotic Drugs and Psychotropic Substances Act, 1985 and was convicted and sentenced on 28.02.2014. He was released on parole by District Magistrate, Sri Muktsar Sahib for four weeks on 22.10.2014. The petitioner stood surety for him. On completion of period of parole, Jaswinder Singh did not surrender. Thereafter, a notice was issued to the petitioner to produce said Jaswinder Singh. On failure of the petitioner, order for recovery of surety amount of ₹2 lacs was passed which was tested before Court of

Additional Sessions Judge, Sri Muktsar Sahib. However, same could not find any favour with the Court below.

It is further contended that the petitioner is surety and he is not at fault. He tried to produce said Jaswinder Singh before the Jail Authorities. However, the said Jaswinder Singh fled away. A prayer has been made for the reduction of the amount of surety.

Heard.

The petitioner stood surety before the District Magistrate, Sri Muktsar Sahib, thereby, he had bound himself to produce said Jaswinder Singh as and when required. The petitioner has breached the duty and the surety amount stands forfeited. It is in the shape of an agreement between the the petitioner and the District Magistrate. On the breach of the same, the District Magistrate is competent to inflict penalty of ₹.2 lacs upon the petitioner.

This Court does not find any reason to interfere in the orders passed by the Courts below.

Consequently, the petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

September 28, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No