

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-3342-2014 (O & M)
Date of decision:26.04.2016

Surender and anr.

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Sahu, Advocate,
for the petitioner(s).

Dr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J. (oral)

The petitioners in the present petition have posed a challenge to order dated 08.11.2013 passed by District Magistrate, Fatehabad. Operative part thereof reads as under:-

"I have heard the parties and perused the record available on file. On furnishing surety bond by the respondents no.2 and 3 in favour of respondent no.1 amounting of Rs.2,00,000/- each in this court and as per order dated 21.05.2013 passed by this court, the respondent no.1 was released on 6 weeks parole by superintendent of central jail, Hisar and directed him to appear in time in jail. But respondent no.1 did not appear in jail on date fixed, therefore violated the terms and conditions as detailed in personal surety bond. Due to that, the amount of Rs.2,00,000/- personal bond has been forfeited in favour of State. Due to violation of personal bond conditions by the Respondent no.1, the amount of Rs.2,00,000/- each has been forfeited in favour of State.

Therefore, it is ordered to recover the penalty amount of Rs.2 lacs from respondents no.1 to 3 each. If the respondents did not deposit the amount within one month then the amount be recovered as balance land revenue.”

Petitioner impugned the aforesaid order before the revisional court but remained unsuccessful. Aggrieved, he has preferred the instant revision before this court. While issuing notice in the application bearing CRM No.37542-2014, this court had stayed recovery of 50% of the penalty imposed by the court below. Learned counsel for the petitioners submits that both petitioners have deposited Rs.1,00,000/- each and even the convict (under Section 302 IPC) has surrendered before the jail authorities. He submits that the petitioners shall be satisfied in case the amount of penalty is suitably reduced.

Admittedly, petitioner No.1 is dead. Penalty imposed upon the petitioners is reduced to Rs.1,00,000/- each. Revision petition is partly allowed in these terms.

26.04.2016
sukhpreet

(RAJAN GUPTA)
JUDGE