

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

**Criminal Appeal No.S-3426-SB of 2014 (O&M)
Date of Decision: February 17, 2017**

Gurdev Singh and others

.....APPELLANT(s).

VERSUS

District Magistrate and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Meenakshi Poswal, Advocate
for the appellant (s).

Ms. Harpreet Kaur, AAG Haryana.

SURINDER GUPTA, J.

The appellants stood surety for prisoner Jai Ram, who was released on parole under the order of Commissioner, Ambala Division, Ambala on 26.07.2011 with direction to surrender before Jail Superintendent, District Jail, Kurukshetra on 24.09.2011. He, however, did not surrender and was arrested on 03.10.2011. The proceedings were initiated against the petitioners, who had furnished surety bonds in the sum of ₹1 lac each, for ensuring surrender of Jai Ram (the prisoner) in the jail on 24.09.2011. They were directed to pay the surety amount of ₹1 lac each vide order dated 01.07.2014 passed by the Deputy Commissioner, Kurukshetra.

Learned counsel for the appellants confines the relief claimed in this appeal to the extent that some lenient view regarding the quantum of penalty imposed on the petitioners be taken keeping in view the fact that Jai

Ram was arrested within few days of the date given to him for surrendering.

Learned Deputy Commissioner, Kurukshetra has ordered recovery of surety amount from the petitioners keeping in view the fact that none had appeared before him on behalf of appellants despite grant of opportunity. However, keeping in view the fact that Jai Ram was apprehended within 10 days of the date given to him for surrendering and no notice was given to the appellants with direction to produce prisoner Jai Ram, I take a lenient view and reduce the amount of penalty imposed upon the appellants from ₹1 lac each to ₹25,000/- each.

The appeal is partly accepted accordingly.

February 17, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***