

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

213+553

CRR-3619 of 2013

DATE OF DECISION: 30.11.2017.

Gian Dass and another

....Petitioners.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Naveen Daryal, Advocate for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana.

Shekher Dhawan, J.

Present petition is directed against the order dated 26.09.2013 passed by learned Sessions Judge, Sonipat, whereby Criminal Appeal No.6 of 2013/2012 filed by the petitioners against the orders dated 01.09.2010 and 26.02.2011 passed by the District Magistrate, Sonipat, was rejected.

The petitioners, allegedly, stood sureties at the time of release of one Anup Kumar on parole, who was convicted under Section 302 read with Section 34 of IPC. However, thereafter, said convict failed to surrender before the jail authorities on 15.05.2010 and ultimately died on 01.09.2011.

Learned counsel for the petitioners contended that the petitioners are poor persons and they have already deposited a sum of Rs.30,000/- each before the trial Court in compliance of order passed by this Court on 22.11.2013. They are unable to pay the balance amount of surety bonds furnished by them and the same be remitted and petition be accepted.

Learned State counsel, while opposing the contention, contended that the petitioners of their own and with their free consent

entered into surety bonds with the State undertaking to make a payment of

Rs.2,00,000/- each in case the convict fails to surrender. On the given date i.e. 15.05.2010, the convict did not surrender and thereafter he failed to appear till 01.09.2011 i.e. the date which is reported to be the date of his death. As such, both the petitioners had rendered themselves liable to payment of the entire amount of the surety bonds furnished by them. Thus, it is a case of civil liability and there is no question of any remission in the case, so the petition be dismissed.

Having considered all above facts that the petitioners stood sureties for assuring presence of the convict on the given date and even after expiry of period of parole failed to appear and comply with the said commitment and as such the petitioners made themselves liable for payment of Rs.2,00,000/- each to the State. But taking into consideration the fact that convict-Anup Singh died on 01.09.2011 and it had practically become impossible to procure the presence of convict despite best efforts by the present petitioners, a little lenient view can certainly be taken in this matter. As such, the present petition is accepted to the extent that both the petitioners shall make payment of Rs.50,000/- each instead of Rs.2,00,000/- which the amount of the surety bonds. The petitioners have already deposited Rs.30,000/- each before the District Magistrate, Sonipat. So they are now directed to deposit Rs.20,000/- each more within a period of one month from today, failing which the petition shall stands dismissed.

(SHEKHER DHAWAN)
JUDGE

30.11.2017.

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Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO