

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

Sr. No.274

CRM-M-26968-2018
Date of decision : 09.07.2018

Rajmal

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Chanderhas Yadav, Advocate, for the petitioner.

Mr. Satish Saini, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

Short reply of Anil Kumar, Dy. Superintendent, District Jail Jhajjar, has been filed in Court today and the same is taken on record. According to this reply, the petitioner is liable to undergo further imprisonment of six months, in default of payment of compensation of Rs.10 lakh, as per the warrant of punishment dated 17.01.2018. It is, however, not denied that as per the order of sentence passed by the trial Court and as upheld by the appellate Court, the only sentence imposed upon the petitioner is imprisonment for six months and payment of compensation of Rs.10 lakh. There is no stipulation regarding default imprisonment in case of non-payment of compensation.

In view of the above, the petition is allowed. The warrant of punishment dated 17.01.2018 (Annexure P4), is declared illegal and is accordingly, quashed.

Mrs. Shashi Chauhan, Addl. Session Judge, Jajjhar, is directed to enquire into the matter as to how the warrant of punishment dated 17.01.2018 (Annexure P4) came into existence when none is available on the file of the case and report in this regard be sent to this Court, within thirty days, after receipt of a certified copy of this order.

(SUDHIR MITTAL)
JUDGE

09.07.2018
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No