

Jagat Singh and another	...	Petitioners
	Versus	
State of Haryana and another	...	Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 29.07.2016 (Annexure P-1) passed by the District Magistrate, Jind vide which the petitioners, namely, Jagat Singh and Narinder were directed to deposit the amount of ₹50,000/- each, within a period of one month in the Government Treasury and on failure of deposit of the said amount, they were further directed to pay an amount of ₹1,00,000/- each i.e. amount of surety bonds submitted by them at the time when the convict was released on furlough / parole.

The brief facts of the case are that petitioner No.1-Jagat Singh stood surety to one convict-Rajesh Kumar s/o Hoshiara, who was granted two weeks furlough w.e.f. 18.01.2010 and was released from District Jail, Karnal on 28.01.2010. Similarly, petitioner No.2-Narinder stood surety for the said convict-Rajesh Kumar. The surety bonds were furnished for a sum of Rs.1,00,000/- each. Convict- Rajesh Kumar was to report back and surrender in jail on 12.02.2010. However, he did not surrender on the given date.

The District Magistrate, issued a notice to the petitioners/sureties as to why the amount of Rs.1,00,000/- each be not

recovered from them for failure on the part of convict-Rajesh Kumar to surrender back on the given date i.e. 12.02.2010. After hearing the petitioners, the aforesaid conditional order was passed that the petitioners will pay Rs.50,000/-each, within a period of one month and in case, they fail to deposit the surety amount, they will pay the entire amount of Rs.1,00,000/- each, in the Government Treasury.

Learned State counsel has placed on record the custody certificate and as per this custody certificate, accused-Rajesh Kumar has surrendered on 03.04.2012 and has over stayed from the parole/furlough for a period of two years.

After hearing learned counsel for the State and going through the record and the custody certificate, it is apparent that the petitioners stood surety of convict-Rajesh Kumar, who had over stayed the period of parole/furlough, therefore, the impugned order was correctly passed by the trial Court holding that the petitioners are liable to pay the surety amount.

However, considering the ground taken that the petitioners were not aware of the orders passed by the District Magistrate as the same was not communicated to them and also in view of the fact that the petitioners are farmers and have stood surety to a co-villager-convict Rajesh Kumar, in good faith and that the petitioners themselves produced the convict-Rajesh Kumar before the jail authorities, the imposing of penalty of ₹50,000/- each, is reduced to ₹10,000/- each. It is clarified that in case, the petitioners fail to deposit the aforesaid amount within a period of 10 weeks from today, this petition shall be deemed to be dismissed without any further orders.

Since no one has represented the petitioners, the Registry is directed to send a copy of this order through registered post to both the petitioners. With the aforesaid modification, this petition stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

14.02.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No