

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

CRR No.3057 of 2015 (O&M)
Date of Decision: January 29, 2018

Lakha Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE A.B.CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH

Present: None for the petitioner.

Mr.H.S.Sullar, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

CRM No.27011 of 2015

Heard.

For the reasons mentioned in the application, the same is
allowed. Delay of 21 days in filing the revision petition, is condoned.

CRR No.3057 of 2015

The present revision has been filed by the petitioner Lakha Singh against respondent State of Punjab, challenging the impugned order dated 13.10.2014 passed by learned District Magistrate, Kapurthala, vide which the surety of ₹50,000/- given by the petitioner for releasing convict Sunil Kumar @ Don on parole, was ordered to be forfeited as per Section

Judge, Kapurthala, vide which appeal filed by the petitioner was disposed of and the order dated 13.10.2014 was modified and petitioner was directed to deposit an amount of ₹20,000/- and remaining amount of ₹30,000/- was ordered to be treated as remitted.

Aggrieved from the above-said order and judgment, present revision petition has been filed.

None has appeared on behalf of the petitioner today. We ourselves have gone through the record.

From the record, we find that the petitioner stood surety for convict Sunil Kumar @ Don for an amount of ₹50,000/- for grant of parole of four weeks to the convict and it was ordered that in case the convict would not come in time in jail and violate the terms and conditions of parole, then the surety amount of ₹50,000/- would be forfeited without any objection. Superintendent Central Jail, Kapurthala, vide his office letter dated 14.02.2013 informed the District Magistrate that the convict did not come present after completing the parole period. Therefore, learned District Magistrate, Kapurthala, vide order dated 13.09.2013 ordered that amount of ₹50,000/- given by the petitioner as a surety be forfeited as per Section 446 Cr.P.C. An appeal was filed by the petitioner and learned Addl. Sessions Judge, Kapurthala, vide order dated 29.09.2014, remanded back the case for passing afresh order after hearing Lakha Singh as well as Assistant Public Prosecutor and set aside the order dated 13.09.2013. On 13.10.2014, when the case was again put up before learned District Magistrate, Kapurthala, Lakha Singh did not come present nor any counsel appeared on his behalf. Therefore, learned District Magistrate, Karputhala, vide impugned order

present petitioner Lakha Singh to deposit amount of ₹50,000/- in the Govt. Treasury. Again, an appeal was preferred by the petitioner and vide impugned judgment dated 15.04.2015, learned Sessions Judge, Kapurthala, disposed of the same by reducing the surety amount to ₹20,000/-, as stated above.

We have gone through the order and judgment passed by both the Courts below. No illegality has been committed by the Courts below while imposing and modifying the surety amount. As learned Sessions Judge, Kapurthala, has already modified the order and reduced the surety amount to ₹20,000/-, therefore, no ground is made for further reducing the surety amount.

Therefore, finding no merit in the present petition, the same is dismissed.

(A.B.CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

January 29, 2018
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No