

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

**CRR-211-2016 (O&M)
Decided on: 21.03.2018**

Jaivir

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Sant Lal Barwala, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J (ORAL)

Briefly stated facts of the case are that one Kuldeep son of Satbir, after being convicted in criminal case was lodged in Central Jail, Hisar. He was granted six weeks' parole vide order dated 28.06.2012. The present petitioner-Jaivir alongwith one Raj Mohan stood sureties for return of Kuldeep to Jail after availing his parole. They had furnished surety bonds in the sum of Rs.2,00,000/- each, as such, Kuldeep was ordered to be released on parole. He was required to surrender in Central Jail, Hisar on 29.08.2012. However, he did not do so. Notices under Section 446 Cr.P.C. were issued to the sureties by District Magistrate, Hisar and subsequently, penalty of Rs.2,00,000/- each was imposed upon them by District Magistrate, Hisar vide order dated 26.02.2013. Both the sureties including the present petitioner challenged that order by way of filing appeal and learned Sessions Judge, Hisar vide judgment dated 15.10.2015 reduced the penalty imposed to Rs.1,00,000/- each.

The petitioner-Jaivir was still not satisfied with that order and he has approached this Court by way of filing present revision petition, notice of which was given to the State.

I have heard learned counsel for the Revisionist and learned State counsel besides going through the record.

Learned counsel for the Revisionist has stated that the revisionist has already deposited a sum of Rs.75,000/- on account of penalty and on coming to know about the whereabouts of the accused and the other surety had informed the police and police had arrested him. The Revisionist is a poor agriculturist and does not have sufficient means, as such, leniency be shown to him in the matter, whereas learned State counsel submits that criminal revision is without merit and should be dismissed.

After hearing the rival contentions, I find that though the Revisionist cannot escape the liability to pay the penalty for the reason that the person for whom he stood surety had not reported back in the jail on due date after availing of parole. Furthermore, if the Revisionist was unable to exercise control over him, he should not have stood surety. But at the same time considering the fact that he is stated to be a poor agriculturist and Kuldeep-accused is said to have been arrested and presently he is lodged in Central Jail, Hisar. I am of the considered view that ends of justice shall be adequately met, if the penalty so imposed is reduced to Rs.75,000/- which has already been deposited by the petitioner as per the receipt/challan available on record and as admitted by the State counsel.

In that way, the criminal revision is accepted partly inasmuch as the order imposing penalty is reduced to Rs.75,000/- in place of Rs.1,00,000/-.

Disposed of accordingly.

(H.S. MADAAN)
JUDGE

21.03.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No