

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

CRR No.2668 of 2016

Date of decision: March 23, 2018

Inderjeet Singh and another

.....Petitioners

Versus

State of Haryana

.....Respondent

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

Present: Mr. R.S. Mamli, Advocate
for the petitioners.

Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

A.B. CHAUDHARI, J.

This revision petition has been preferred by the petitioner against the order dated 11.07.2014 passed by learned District Magistrate, Kurukshetra and judgment dated 30.07.2014 passed by learned First Additional Sessions Judge, Kurukshetra.

Rule heard forthwith the consent of the counsel for the rival parties.

In the present petition, the petitioners have put to challenge order dated 11.07.2014, passed by the learned District Magistrate, Kurukshetra, by which, the petitioners, who stood as sureties in the matter of grant of bail to the accused Kuldeep Singh, were penalized with the

penalty of Rs. One lakh each as the accused Kuldeep Singh had not

surrendered within due time after having been released on parole.

We have heard learned counsel for the petitioners and also perused the impugned orders. We have also heard learned counsel for the State and also gone through the written statement filed on behalf of the respondent.

Perusal of the impugned order itself shows that the petitioners sureties had produced the convict before the authorities by delay of 3 days from the date on which he was supposed to surrender in jail. The penalty that has been imposed by the District Magistrate, Kurukshetra is beyond all proportions and by no stretch of imagination can be justified. At any rate, District Magistrate, Kurukshetra did not, at all, taken into consideration the mitigating circumstance namely that the petitioners produced the convict within a period of three days. The order is, obviously, arbitrary and cannot be allowed to stand.

However, at the same time, though the petitioners cannot be said to be fully guilty for not compelling the convict to surrender within the stipulated period, fact remains that there is some lapse on the part of the petitioners in the matter.

In that view of the matter, looking to the small period of three days, we do not think that the petitioners should be penalized by making payment @ ₹2,000/- per petitioner.

Hence, the following order is passed:-

ORDER

1. CRR No.2668 of 2016 is partly allowed.
2. Impugned order dated 11.07.2014 passed by learned

District Magistrate, Kurukshetra and judgment dated 30.07.2014 passed by learned First Additional Sessions Judge, Kurukshetra are set aside and modified to the extent that the petitioners shall deposit Rs.2,000/- each within one month with the authority, as mentioned in the order dated 11.07.2014.

**(A.B. CHAUDHARI)
JUDGE**

**(INDERJIT SINGH)
JUDGE**

March 23, 2018
anju rani

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No