

202**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-588-2018 (O&M)
Date of Decision:27.08.2018****Harbans Singh****....Petitioner****Versus****State of Haryana****....Respondent****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Gurvinder Singh Sidhu, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

In this revision, challenge has been laid to judgment dated 02.02.2018, passed by learned Additional Sessions Judge, Sirsa whereby appeal filed by the petitioner was dismissed, affirming order dated 10.10.2017 passed by the District Magistrate, Sirsa, ordering the petitioner to deposit Rs. 2,00,000/-. In case, of non-depositing, to recover the same by way of attachment of the land.

In nutshell, one Satpal s/o Sadhu Ram was booked and tried for carrying five bags containing 200 K.g. poppy husk under Section 15 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985. During pendency of trial, the said Satpal was released on parole for four weeks by order of the learned District Magistrate, Sirsa on furnishing adequate surety bonds. Consequently, the petitioner stood surety for Satpal and furnished surety bonds, undertaking that he would be liable to pay a sum of Rs.2,00,000/- to the Government, in case, accused-Satpal does not

surrender on the completion of his parole period of four weeks i.e. on 29.05.2013 at Jail Gate.

Accused-Satpal did not appear on the expiry of his parole period and violated his personal bail bonds and surety bonds furnished by the petitioner. Resultantly, the petitioner was issued show cause notice by learned District Magistrate, Sirsa as to why recovery of Rs. 2,00,000/- should not be effected from him. Pursuant thereto, the petitioner produced accused-Satpal before the police on 17.09.2014. But by that time, accused-Satpal had already been acquitted by this Court vide judgment dated 28.10.2013 passed in Criminal Appeal No. 167-DB-2006. Thereafter, hearing learned counsel for the petitioner, learned District Magistrate, Sirsa, vide order dated 10.10.2017, directed the petitioner to deposit the amount of surety i.e. a sum of Rs. 2,00,000/- within 15 days in Treasury.

Being aggrieved, the petitioner challenged the said order before the First Appellate Court, but remained unsuccessful as his appeal was dismissed vide judgment dated 02.02.2018.

Learned counsel for the petitioner contends that accused-Satpal did not appear before the trial Court as he was acquitted by this Court on 28.10.2013 in Criminal Appeal No. 167-DB-2006. As soon as, the petitioner received show cause notice from learned District Magistrate for forfeiture of his surety bonds, the petitioner immediately produced accused-Satpal before the police. Prior to that, the petitioner had no knowledge about absence of accused-Satpal.

Having considered the submissions made by learned counsel for the petitioner, this Court finds that order forfeiting the surety bond of the petitioner in its entirety is certainly a harsh step taken by the District

Magistrate and First Appellate Court, more particularly, when accused-Satpal was acquitted on 28.10.2013 by this Court.

More so, as soon as the petitioner was served show cause notice by the District Magistrate, Sirsa to explain as to why recovery of Rs. 2,00,000/- should not be effected from him on account of forfeiture of his surety bonds, petitioner produced accused-Satpal before the police. Thus, the conduct of the petitioner requires to take a lenient view in the matter.

Therefore, the amount of Rs. 2,00,000/-, which was ordered to be deposited by the petitioner in Treasury within 15 days by District Magistrate, Sirsa, is reduced to Rs. 50,000/- which shall be deposited by the petitioner within one month from today, failing which, this order shall automatically be recalled and the instant petition shall be deemed to have been dismissed.

27th August, 2018
shabha

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No