

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

LPA No. 173 of 2018 (O&M)
In CWP No. 22446 of 2017

Date of decision: 5.4.2018

Raj Pal Singh and another

.. Appellants

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Mr. Ankit Gautam, Advocate with
Mr. Abhimanyu Singh, Advocate, for the appellants.
Mr. Samarth Sagar, Additional Advocate General, Haryana.

Rajesh Bindal, J.

Order passed by the learned Single Judge dismissing the writ petition, has been impugned by filing the present intra-court appeal.

Challenge in the present writ petition was to the order dated 27.7.2017, whereby surety furnished by the appellants to ensure return of their son Virender Pal @ Beeru, who was released on parole, was forfeited. Virender Pal @ Beeru failed to surrender on or before the date fixed. He was to surrender on 14.6.2017, however, before the order forfeiting the surety was passed on 27.7.2017, it is claimed that the convict surrendered on 2.7.2017, hence, lenient view has been prayed for.

Learned counsel for the State submitted that once there was default by the convict, as he had not surrendered on the date fixed, the surety had rightly been forfeited.

After hearing learned counsel for the parties and considering the fact that the convict had surrendered, though late, entire amount may not be forfeited. But the appellants certainly deserve to be penalised, as they failed to ensure return of the convict on or before the date fixed. As a matter of indulgence, the amount is reduced from ₹ 2 lacs to ₹ 25,000/-.

The appeal stands disposed of.

The aforesaid amount shall be deposited with the competent authority by the appellants within one month from the date of receipt of copy of this order.

(Rajesh Bindal)
Judge

5.4.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No