

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

236

CRM-M-19546 of 2019 (O&M)

Date of Decision: 02.07.2019

Sukhwinder Singh @ Sukhjinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Singh, Advocate, for
Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J (ORAL)

On 01.05.2019 while noticing the contention of learned counsel
for the petitioner, the following order was passed:-

“Counsel for the petitioner contends that the petitioner had given surety of an accused at the time of grant of regular bail to him. The aforesaid accused jumped the bail and the petitioner, who stood surety was summoned. He appeared and the Court ordered his civil imprisonment for a period of 6 months with a fine of Rs.20,000/-. Petitioner, who was only a surety has already suffered 6 months' imprisonment and has also deposited penalty/fine of RS.20,000/- as ordered. He has further submitted that the property of the petitioner was ordered to be mutated in favour of the State and when after deposit, petitioner moved an application for direction to re-mutate the property, the application has been dismissed.

Notice of motion.

Mr. Bhupender Beniwal, AAG, Punjab, accepts notice on behalf of the State and prays for time to apprise the Court.

Adjourned to 07.05.2019.”

Today, counsel for the State does not dispute the correctness of the contentions raised. The petitioner who was a surety has already suffered six months imprisonment and has also deposited fine of Rs.20,000/- as ordered.

In view thereof, the property owned by the petitioner which was mutated due to default in payment in favour of the State has to returned to the petitioner. This was the only prayer made by the petitioner in the application which was dismissed by the learned Additional Sessions Judge, Faridkot. Once the petitioner has suffered imprisonment and has also paid fine, there is no justification to snatch the immovable property of the petitioner. Accordingly, the order under challenge is set aside. State is directed to re-mutate the land owned by the petitioner in his favour, within a period of one month, from the date of receipt of a certified copy of this order.

Accordingly, the present petition is allowed.

02.07.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No