

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

CRR No. 2308 of 2019 (O&M)

Date of decision: 12.09.2019.

Jaipal

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sanchit Punia, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 13.06.2017 passed by the District Magistrate, Hisar, whereby surety of ₹2,00,000/- furnished by the petitioner has been forfeited and the order dated 22.04.2019 passed by the Lower Appellate Court, Hisar, whereby his appeal there-against has been dismissed.

Learned counsel for the petitioner contends that the petitioner had stood surety for Ramkesh, who is a convict in case FIR No.358 dated 14.10.2005, under Sections 302, 120-B read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Narnaund, District Hisar. He also contends that Ramkesh had jumped parole and was apprehended after three months. He also contends that there is no allegation that the petitioner had connived with convict Ramkesh while he had jumped parole. It was due to the efforts of the petitioner that convict Ramkesh could be apprehended. He also contends that the petitioner has only 13 kanals of agricultural land

and he would be in a financial difficulty in case surety amount of ₹2,00,000/- is forfeited and, therefore, the amount of penalty imposed by the Courts below be reduced in view of his financial condition. He has relied upon the judgment of the Supreme Court in the case of Mohammed Kunju and another v. State of Karnataka, AIR 2000 Supreme Court 6, wherein penalty amount was reduced from ₹25,000/- to ₹5,000/-.

Issue notice to the respondent.

At the asking of the Court, Mr. Saurabh Girdhar, AAG, Haryana, accepts notice on behalf of the respondent - State.

Heard. The petitioner is stated to be a small farmer. He stood surety for convict Ramkesh, who had earlier jumped parole and has now been arrested with the efforts of the petitioner. There is no allegation that the petitioner had connived with convict Ramkesh at any point in time. In these circumstances, it would be in the interest of justice if the penalty amount of ₹2,00,000/- imposed by the Courts below is reduced.

Consequently, the petition is partly allowed and the penalty amount imposed by the Courts below is reduced to ₹30,000/-. The petitioner shall deposit the penalty amount of ₹30,000/- before the trial Court within a period of one week from today.

(ANUPINDER SINGH GREWAL)
JUDGE

12.09.2019

Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No