

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3231-2019 (O&M)
Date of decision: 03.12.2019

Yad @ Azad and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Nain, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the order dated 17.09.2019 passed by the Additional Sessions Judge, Fatehabad, vide which penalty amount of Rs.2.00 lacs each imposed upon both the petitioners was modified to Rs.1.00 lac each as well as the order dated 12.08.2016 passed by the District Magistrate, Fatehabad, vide which it was ordered that the penalty amount of Rs.2.00 lacs each be recovered from both the petitioners, who stood surety for Baldev son of Jogi Ram, who was released on parole for a period of 04 weeks on 26.02.2016, however, failed to surrender before the Court and recovery proceedings were initiated against them.

Learned counsel for the petitioners, at the very outset, submits that aforesaid Baldev surrendered after 06 months i.e. on 28.08.2016 and the lower appellate Court, though, has recorded a finding that there is nothing on record that the petitioners were having any connivance with the convict/accused Baldev, in absconding from the process of law, however, reduced the penalty of Rs.1.00 lac each. It is further submitted that both the petitioners are small

farmers and have limited source of income and the penalty amount is on higher side.

Learned counsel for the petitioners has relied upon the judgments in **Mohinder Singh Vs. State of Punjab, 2008 (22) RCR (CrI.) 704**, **Angrej Singh Vs. State of Punjab, 2010 (4) RCR (CrI.) 580** and **Gopal Kaur Vs. State of Punjab, 2011 (6) RCR (CrI.) 1394**, wherein, in similar circumstances, where an accused, who had absconded from the process of law, the District Magistrate has initiated the recovery proceedings against the surety, of the amount equivalent to the surety bond, this Court had reduced the penalty amount.

Notice of motion.

On asking of the Court, Mr. Naveen Sheoran, DAG, Haryana accepts notice on behalf of the respondent-State.

After hearing learned counsel for the parties and considering the fact that convict Baldev, after overstaying the period of parole, had already surrendered before the jail authorities, this petition is disposed of with a modification in the order dated 17.09.2019 that the imposition of penalty of Rs.1.00 lac each on both the petitioners, is reduced to Rs.20,000/- each.

The petitioners shall deposit the amount of Rs.20,000/- each within a period of four months from today, failing which this petition shall be deemed to be dismissed.

[**ARVIND SINGH SANGWAN**]
JUDGE

03.12.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No