

208

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

(Through video-conferencing)

**CWP No.2497 of 2020(O&M)
Date of Decision: 03.02.2022**

Dharmender and another

.....Petitioners

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Manoj Chahal, Advocate,
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

(Through Video Conferencing)

RAJ MOHAN SINGH, J.(Oral)

CM No.10239-CWP of 2021

At the very outset, it is being noticed that while recording the order dated 03.11.2021, the year of CRM-M No.15296 was wrongly recorded as 2021 instead of 2012. Office is directed to carry out the necessary correction.

On 03.11.2021, learned State counsel sought time to go through the order dated 01.02.2013 passed in **CRM-M No.15296 of 2012** titled **Dalvir Singh Vs. State of Haryana.**

Learned State counsel submits that the accused has been

arrested and he is in custody.

With the consensus of the parties, the date of hearing is preponed and the main case is taken up today itself.

Main case

The present petition has been preferred by the petitioners/sureties against the impugned orders Annexures P1 and P2 and notice Annexure P3, vide which surety amount of Rs.2 lacs each from both the petitioners was sought to be forfeited on account of non-appearance/not surrendering by the accused on the due date after availing parole.

Learned State counsel submits that as per stand of the State, it is not the case of any connivance between the accused and the petitioners and the ratio laid down in **Dalvir Singh's case (supra)** applies to the facts and circumstances of the case.

Since the amount involved in the surety bonds i.e. Rs.2 lacs each is sought to be forfeited to the State and the same would be quite harsh punishment as there was no instigation/connivance between the petitioners and the accused, nor was there any such allegation of helping the convict in fleeing from justice and not to surrender in time. Once such an allegations is missing, forfeiture to the extent of an amount of Rs.2 lacs each would be quite harsh on the face of it.

In view of reasons recorded in **Dalvir Singh's case**

(supra) and also in order to secure ends of justice, it would be just and appropriate to reduce the amount from Rs.2 lacs each to Rs.20,000/- each. Resultantly, in order to strike a balance and in view of peculiar facts and circumstances of the case, instant petition is partly allowed to the extent of reducing the amount of Rs.2 lacs each to Rs.20,000/- each. Petitioners would do the needful within a period of one month from the date of receipt of certified copy of this order.

Writ petition is accordingly disposed of.

03.02.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No