

In the High Court of Punjab and Haryana at Chandigarh
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2023:PHHC:077770

CRM-M- 40517 of 2017

Date of Decision: 29.05.2023

Simrjit Singh

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. L.M.Gulati, Advocate
for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
Assisted by ASI Davinder Pal

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 07.08.2014 (Annexure P-1) whereby District Magistrate, Amritsar, has directed to attach property of the surety i.e. Baljinder Singh son of Rattan Singh.
2. The petitioner is son of Baljinder Singh. Baljinder Singh has passed away, thus, petitioner has preferred present petition seeking quashing of aforesaid order.
3. The brief facts of case are that one Deepak Sharma son of Kastoori Lal was convicted in a criminal case and during his incarceration, he was released on parole for four weeks on 05.05.2014. He was supposed to surrender on 13.06.2014 whereas he surrendered on 23.06.2014 i.e. 10 days late. The District Magistrate, Amritsar vide

impugned order dated 07.08.2014 ordered to summon Baljinder Singh i.e. surety of Deepak Sharma. Baljinder Singh was directed to be present in office and deposit surety amount of Rs. 2,00,000/- in the Government Treasury. The land of Baljinder Singh was ordered to be attached.

4. Learned counsel for the petitioner inter alia contends that Deepak Sharma for whom father of the petitioner had stood surety has already been acquitted vide judgment dated 23.12.2014 passed by a Co-ordinate Bench of this Court in CRA-S- 1161-SB of 2013. Father of the petitioner who stood surety as well as Deepak Sharma have already passed away. Deepak Sharma though defaulted in compliance of order of parole, however, he surrendered before Jail Authorities. The delay to surrender was 10 days which even otherwise was not exorbitant delay.

5. Learned State counsel submits that she does not dispute the aforesaid factual position, however, submits that there was lapse on the part of Deepak Sharma, thus, District Magistrate, Amritsar has rightly invoked surety.

6. I have heard learned counsel for the parties and perused the record.

7. From the perusal of record, it is succinctly clear that it was father of the petitioner who stood surety for Deepak Sharma. Father of the petitioner as well as Deepak Sharma have already passed away. Deepak Sharma was convicted by trial court, however, he has already been acquitted by this Court. There was lapse on the part of

Deepak Sharma, however, considering the fact that he surrendered though late by 10 days and he has already been acquitted, Deepak Sharma and father of petitioner have passed away, this Court finds it in the interest of justice and fitness of things to quash the impugned order.

8. The present petition deserves to be allowed and accordingly allowed. The impugned order dated 07.08.2014 (Annexure P-1) passed by District Magistrate, Amritsar, is hereby set aside.

(JAGMOHAN BANSAL)
JUDGE

29.05.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No