

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

CRM-M-43846 of 2016

**Date of Decision:** 09.02.2023

**Phuman Singh and another ...Petitioners**

**Versus**

**State of Punjab and another ...Respondent**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. L.S. Mann, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

**DEEPAK GUPTA, J.(Oral)**

Sukhwinder Pal alias Sodhi and others were convicted for committing the murder of Narinder Kumar alias Nindi in case FIR No.145 dated 18.12.2013 registered at Police Station Balachaur, vide judgment dated 20.01.2015.

Criminal Appeal bearing CRA-D-341-DB of 2015 was filed by the convict Sukhwinder Pal alias Sodhi, before this High Court which is stated to be still pending. During pendency of the appeal, said convict – Sukhwinder Pal applied for parole which was granted by respondent No.2 – Deputy Commissioner, Nawanshahr on his furnishing two surety bonds of ₹2 lacs each. Both the petitioners Phuman Singh and Shadi Singh furnished the surety of ₹2 lacs each at the time of grant of parole. However, after expiry of the parole period, aforesaid Sukhwinder Pal did not surrender before the jail authorities and, therefore, respondent No.2 passed impugned order dated 23.09.2015 directing the petitioners to deposit the surety amount of ₹2 lacs each through Tehsildar Nawanshahr.

Above-said order is assailed by way of this petition submitting that petitioners did not have the remote scent that accused Sukhwinder Pal was preparing to escape from the process of the Court or that the petitioners were colluding with him in jumping out of the parole.

Prayer has been made to either quash the impugned order or to modify the same. Learned counsel has placed reliance upon **Mohammed Kunju**

**Vs. State of Karnataka, 1999(4) RCR (Criminal) 726**, in which an amount of ₹25,000/- was reduced to ₹5,000/- by way of penalty on the surety.

Respondent – State has strongly opposed the petition submitting that it is on the furnishing of the surety by the two petitioners that convict Sukhwinder Pal was released on parole and who failed to surrender before the jail authorities after expiry of the parole period.

The impugned order was passed way back in 2015. Prior thereto, convict Sukhwinder Pal had failed to surrender before the jail authorities despite expiry of the parole period. There is nothing on record to suggest nor there is any submission of the petitioners that said convict has surrendered even till date. He had been released on parole on the sureties furnished by the petitioners. Sureties are bound by the terms of the bond and cannot absolve themselves by pleading that they were not aware about the intention of the convict. Once they had undertaken the surrender of the convict after expiry of the parole period by standing sureties for him, it was for the petitioners- sureties to ensure the surrender of the convict.

In **Mohammed Kunju's case (supra)**, bail had been granted to an under-trial prisoner and not to convict and, therefore, no advantage can be given to the petitioners of the view taken by Hon'ble Supreme Court in that case.

For the reasons as stated above, the present petition is found to be devoid of any merit and the same is hereby dismissed.

**February 09, 2023**

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**(DEEPAK GUPTA)**

**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No