

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-18356-2020

Date of decision: 19.05.2023

SUMAN DEVI AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Gautam Kaile, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed under Article 226/227 of the Constitution of India against the order dated 29.07.2020 (Annexure P-2) passed by the District Magistrate, Yamuna Nagar whereby the recovery of a sum of Rs. 1 lac each had been ordered to be effected/recover from the petitioners on account of the convict Jagdish @ Tipu jumping parole.

2. The matter came up for hearing on 03.11.2020, when the following order was passed.

“Counsel for the petitioners would argue that Jagdish @ Tipu convicted for committing offence punishable under section 302 IPC etc (husband of petitioner No.1) was arrested 22 days after expiry of furlough allowed upto 24.08.2019 but he was arrested on the basis of information given by petitioner No.1 herself on the basis whereof Jagdish was arrested by the police

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and lodged in jail. It is further argued that petitioner No.1 has got no source of income to pay a sum of Rs.1 lakh in compliance with order dated 29.07.2020. He would pray that amount of penalty imposed by invoking section 446 Cr.P.C may be reduced.

Notice of motion for 12.01.2021.

Mr. Rohit Arya, DAG, Haryana accepts notice on behalf of respondents no.1 to 5.

In the meantime, petitioners shall deposit Rs.60,000/- (Rs.30,000/- each) within a period of 15 days. On necessary deposit being made, recovery of the remaining amount shall be kept in abeyance. In case the petitioners fail to deposit Rs.60,000/- in the stipulated period, State Authorities would be at liberty to proceed with recovery proceedings.”

3. Learned counsel appearing on behalf of the petitioners contends that the amount in terms of the said order has already been deposited by the petitioners. He reiterates that the petitioner took effective steps for ensuring the arrest of the convict when and that imposition of such a heavy penalty would be excessively harsh on them.

4. Learned counsel for the respondent does not dispute the claim made to the effect that the convict was arrested on the information furnished by the petitioners and also the effect that the amount of Rs. 30,000/- each as ordered by this Court vide order dated 03.11.2020 stands deposited.

5. In this view of the matter and without going further into the controversy the impugned orders dated 29.07.2020 directing recovery of amount of Rs. 1 lac each from the petitioners is modified

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and the imposed recovery is reduced to Rs. 30,000/- each which has already been deposited.

The present petition is disposed of with the aforesaid modification.

(VINOD S. BHARDWAJ)
JUDGE

MAY 19, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No