

CRR-1385-2021

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221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1385-2021
DATE OF DECISION:-17.02.2023

Kalwant Singh

...Petitioner.

Vs.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jagjeet Beniwal, Advocate for
Mr. Ravi Malik, Advocate,
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 25.11.2020 passed by the court of learned Additional Sessions Judge, Jind, whereby the prayer made at the instance of the petitioner regarding change of land, given as surety towards bail, has been declined.

Facts of the case are that Satnam @ Satta was arrayed as an accused, besides one Satbir Singh son of Gurdev Singh, in FIR No.98 dated 14.05.2014, registered under Sections 323, 324, 325, 341 and 34 IPC at Police Station Garhi, District Jind. Vide judgment dated 29.08.2018 passed by the court of JMIC Narwana, both the accused persons were convicted and sentenced under Sections 323, 324, 325, 341 and 34 IPC.

Aggrieved thereof, Satnam Singh @ Satta filed an appeal bearing

CRA No.193-2018 before the court of learned Additional Sessions Judge,

Jind, wherein, he was granted the benefit of suspension of sentence and the present petitioner stood surety for the same by furnishing his land measuring 47 kanals 30 marlas i.e. 1913/9832 share of the total of 244 kanal and 16 marla, comprising of Khewat No.27, Khatoni No.29-32 as per jamabandi for the year 2017-2018, situated within the revenue estate of village Data Singh Wala, Tehsil Narwana against surety amount of Rs.20,000 and rapat No.60 dated 13.10.2018 was even recorded in this regard.

During pendency of the appeal, the petitioner intended to transfer the aforementioned land in favour of his sons and thus offered another land owned and possessed by him, measuring 5 kanals and 18 marla i.e. 1/8th share comprising of Khewat No.174, Khatoni No.201 as per jamabandi for the year 2018-2016, situated in the revenue estate of village Garhi, Tehsil Narwana, District Jind, the same being of value more than Rs.20,000/- by moving an application in this regard before the court of learned Additional Sessions Judge, Jind. The same was however, dismissed, vide order dated 25.11.2020, while recording that the reasons mentioned in the application for transferring the attached land in favour of his sons by the petitioner was not sufficient.

Assailing the aforesaid order, learned counsel for the petitioner submits that while passing impugned order, learned trial court failed to appreciate that the only jurisdiction vested with the court was to verify about the ownership and the value of the land now being offered by the petitioner and the court could not have gone into the merits of the reasons and the purpose of seeking exchange of land for surety.

In response, the contention of learned State counsel is only to the

effect that the purpose of surety primarily is to ensure the presence of the accused.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The prayer made by the petitioner in the application is most innocuous in nature and thus needs to be allowed. The petitioner having appeared as surety, offered some land, which he wants to now transfer in favour of his sons by offering another land of equal value, owned and possessed by him. The only concern of the court should have been to get the verification done about the ownership of the said land, besides its value, without going into the merits and the reasons of exchange.

In view thereof, the present petition is allowed. The impugned order dated 25.11.2020 passed by the Additional Sessions Judge, Jind, is hereby set aside with a direction to decide the application afresh in view of the observations made hereinabove.

17.02.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No