



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

256

Criminal Revision No.524 of 2023
Date of decision: September 10th, 2024

Mithu Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is impugning the order dated 29.08.2016 passed by learned Additional District Magistrate, Bathinda, in proceedings under Section 446 of the Cr.P.C. vide which penalty of ₹2,00,000/- has been imposed upon him on account of default in surrendering by convict Gurpreet Singh @ Goldi, who was released on parole for six weeks and the petitioner stood surety for him, appeal against which preferred by the petitioner has been dismissed by learned Additional Sessions Judge, Bathinda, vide judgment dated 15.11.2022.

2. On the last date of hearing, learned counsel for the petitioner had made the following submissions:-

“The petitioner has assailed the orders of the Court below vide which penalty to the tune of Rs.2 lac has been imposed upon the petitioners as he stood surety for Gurpreet Singh, prisoner, when he was released on parole. The prisoner was granted parole on 28.04.2016 and had not surrendered himself in the Central Jail, Bathinda. The petitioner has been imposed penalty to the tune of Rs.2 lac in terms of the order dated 29.08.2016 passed by the

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District Magistrate, Bathinda. The revision preferred by the petitioner has been dismissed by the Court of Sessions in terms of the judgment dated 15.11.2022.

It has been submitted that the petitioner has made substantial efforts to trace out and locate the prisoner for whom he stood surety but to no effect. It has been further stated that penalty imposed upon the petitioner is on higher side.”

3. Learned counsel for the petitioner has further submitted that it is a matter of record that the convict has since surrendered and is currently lodged in jail. The petitioner, being a close family member of the convict, had stood as surety. It has been argued that the penalty imposed by the Additional District Magistrate, Bathinda, was excessively onerous and should be reduced, as the petitioner should not be penalized harshly for the absence of convict, given that it is a matter of record that the convict has already surrendered back in the jail, where he is currently lodged.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has argued that the surety bonds provided by the petitioner at the time when the convict was released on parole, were rightly forfeited due to the failure of the convict to surrender back in the jail on time. Consequently, the penalty imposed by the Additional District Magistrate, Bathinda, in the sum of ₹2 lakh was justified. However, the learned State counsel has not disputed the fact that the convict has surrendered and is back in jail.

5. I have heard learned counsel for the parties and perused the relevant material on record.



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6. In the circumstances, the penalty imposed upon the petitioner in the sum of ₹2 lakh is reduced to ₹1 lakh.
7. The instant petition stands disposed of accordingly.

September 10th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes