

CRR-573-2024(O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-573-2024(O&M)Date of Decision:-06.05.2024Santosh & Anr.

.....Petitioners.

Vs.

State of Haryana & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vivek Sheoran, Advocate for
Mr. Ajit Singh Lamba, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been preferred against the order dated 02.02.2024 passed by the Sessions Judge, Hisar whereby in the proceedings under Section 446/449 Cr.PC a penalty of Rs.50,000/- each has been imposed upon the petitioners.

2. The brief facts of the case are that petitioner no.2-Satvir Ram son of Harphool Ram was convicted in FIR No.23 dated 18.03.2016 under Section 22 of the NDPS Act P.S. Khanauri and was sentenced to undergo RI for 10 years and to pay a fine of Rs.1,00,000/-, in default of which he was to undergo RI for a further period of 01 year.

3 Satvir Ram was released on Parole for a period of 08 weeks by the ADGP Prisons Punjab, Chandigarh vide order no.GI/P-1/6227 dated 03.07.2020. In compliance of the release order he was to stay at Dhani

Thakariya P.S. Hansi Sadar, Tehsil Hansi, District Hisar for which he



furnished surety bonds vide memo no.1965/PB dated 24.07.2020 for a sum of Rs.2 Lakhs in the court of District Magistrate, Hisar. Petitioner no.1 stood as surety for the same. District Magistrate, Hisar vide order 465 dated 24.07.2020 accepted the bail bonds. In sureties the petitioner no.1 had given the land (House) in her name in the Khewat No.6477 at Village Dhani Thakariya, Tehsil Hansi, District Hisar.

Satvir Ram was released on 04.08.2020 initially for a period of 08 weeks but due to the Covid-19 Pandemic the Parole was extended from time to time. Be that as it may, the petitioner was directed to surrender back in Prison on 24.05.2021. However, he did not surrender on the said date and surrendered only on 21.07.2021 at the designated jail.

4. On account of his default, proceedings under Section 446 Cr.PC were initiated against him. The District Collector, Hisar vide order dated 29.10.2021 ordered forfeiture of the surety amount of Rs.2 lakhs. They were to deposit the said amount in the government treasury within 30 days failing which the amount was to be recovered as arrears of land revenue. The relevant extract of the order dated 29.10.2021 is reproduced herein below:-

“ As such orders for forfeiture of surety amount of Rs.2.00 lacs are hereby passed. Sureties are directed to deposit above said amount in government treasury within 30 days, failing which this amount shall be recovered as an arrears of land revenue. While sending copy of this order to Deputy Superintendent, Sub Jail, Malerkotla (Punjab) it is ordered that before releasing convict Satbir Ram son of Harphul Ram resident of Morkhurd, P.S. Mor, District Bathinda (Punjab) forfeited surety amount be recovered from him. Case file after compliance be consigned to records.

This order pronounced today on 29.10.2021 in open court.

Sd/- District Collector, Hisar.”

5. Against the aforementioned order an appeal was preferred under



Section 449 Cr.PC before the Court of Sessions Judge, Hisar. The said court reduced the penalty to Rs.50,000/- each and the petitioners were granted 03 months time to deposit the reduced penalty.

6. The aforementioned order is impugned in the present revision petition.

7. The Counsel for the petitioners contends that the petitioner no.2 Satvir Ram surrendered late on account of the fact that he was suffering from the Covid-19 infection and on account of pre-existing co morbidities he could not surrender on time. However, he did surrender after a delay of 58 days. The delay in surrendering was not wilful or deliberate in any manner. The financial condition of the petitioners was not such that they would be able to pay Rs.50,000/- each. He therefore prays that the amount of penalty be reduced.

8. The Counsel for the State on the other hand contends that on account of the conduct of the petitioner no.2 in not surrendering on time proceedings under Section 446 Cr.PC were initiated where initially the District Magistrate had directed the petitioners to pay a sum of Rs.2 lakhs which was reduced to Rs.50,000/- each in appeal. The said amount was reasonable and the petitioners were liable to pay the same and, therefore, the present petition was liable to be dismissed.

9. I have heard Counsel for the parties.

10. Admittedly, the petitioner no.2 was granted the concession of Parole. It appears that he was unable to surrender in time on account of him ailing from the Covid-19 infection. The petitioner no.2 finally surrendered after a delay of 58 days. Further, it appears that the financial condition of the petitioners is not such that they would be able to deposit the amount of Rs.50,000/- each.



11. In view of the aforementioned facts and circumstances, I deem it appropriate to reduce the fine amount to Rs.15,000/- each. The other conditions imposed by the Sessions Judge, Hisar however shall remain intact.

12. Disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 06, 2024
Vinay

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