



CRM-M No. 34572 of 2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 34572 of 2020

Date of Decision: 13.12.2024

Jaswant and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lajpat Sharma, Advocate
for the petitioners.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

1. Aggrieved by order to recover a sum of Rs.2 lacs from the petitioners who had stood sureties for the convict Sandeep Singh in a murder case who did not surrender as per the terms of the release bond, the sureties have come up before this Court under Section 482 CrPC.
2. The convict namely Sandip son of Ramphal was ordered to be released by the District Magistrate, Jind on acceptance of surety of Rs.2 lacs from the petitioners and consequently, he was released on furlough for three weeks vide order dated 31.01.2017. The surety bonds are attached as Annexures P-3 and P-4 supported by their affidavit Annexure P-5. Vide Annexure P-6 dated 24.02.2017, it was intimated to police officials that the convict did not surrender back to the jail premises on 23.02.2017. Based on this, vide Annexure P-7 passed by District Magistrate, sureties of Rs.2 lacs were forfeited. The convict was tried under Section 9 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and was convicted vide judgment dated 14.03.2019 and sentenced to imprisonment for six months and fine of Rs.500/-. However, the sureties were aggrieved by the forfeiture of the surety amount on the ground that eventually, the convict had surrendered before the concerned jail to undergo his sentence, as such forfeiture of the entire amount of Rs.2 lacs each was unjust, on the extremely higher side and not called for.
3. I have heard counsel for the parties and have gone through the record and its analysis would lead to the following outcome.



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4. It is undisputed that the petitioners have undertaken to produce Sandip Singh within the time frame of furlough, however, Sandip Singh did not surrender within the time frame which led to forfeiture of surety bonds. It also remain undisputed that Sandip Singh surrendered later on and was convicted under Section 9 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. Counsel for the petitioners submits that amount of Rs.2 lacs each is extremely on the higher side and the petitioners are not in a financial capacity to deposit Rs.2 lacs each. Counsel submits that the petitioners stood sureties being co-villagers and in this part of the country people are kind enough to help each other and in case the petitioners had not stood as sureties, it would have sent a negative message in the community. Petitioners have never asked the convict not to surrender on time, rather whispering campaign was launched which probably led to petitioner surrendering back. In nutshell, counsel for the petitioners submits that they cannot afford to pay Rs.2 lacs each and will be satisfied if the amount is reduced to Rs.50,000/- each.

5. State counsel strongly opposes such reduction and submits that no reduction is required.

6. In the entirety of facts and circumstances, I am of the considered view and more particularly the fact that convict was brought back to justice and it is not a case where he is still absconding, it would be desirable in the interest of justice, equity and fair play if the impugned order is modified by reducing the penalty to Rs.50,000/- each from Rs.2 lacs.

7. Given above, the impugned order dated 12.07.2017 is modified by reducing the amount to Rs.50,000/- each and the petitioners are directed to deposit the same by 31.01.2025. If the said amount is not deposited by 31.01.2025, then this Court shall stand vacated automatically by referring to Section 362 r/w 482 CrPC and 403 r/w 528 BNSS, 2023. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

13.12.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.