

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

241

CWP-21738-2021 (O&M)  
Date of Decision: 14.02.2024

Suresh and another

Versus

..... Petitioners

State of Haryana and others

..... Respondents

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

Present: Mr. Rajesh Dhankhar, Advocate  
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

\*\*\*\*

VINOD S. BHARDWAJ, J.(ORAL)

1. Issue in hand relates to the forfeiture of surety bonds furnished by the petitioner for seeking temporary release of Rajender Kumar, who was convicted in case FIR No. 38 dated 11.03.2015, registered under Sections 302, 342, 34 IPC, at Police Station Behal, District Bhiwani.
2. Learned counsel for the petitioner *inter alia* contends that the abovesaid convict was required to surrender by 5:00 p.m. on 02.06.2018, however, he was attacked upon by the assailants at around 1:00 p.m. on the same day qua which FIR No. 99 dated 02.06.2018, was registered under Sections 323, 324, 341, 506, 34 IPC at Police Station Behal, District Bhiwani. Hence, he could not surrender on the said date, however, he was taken in custody after a period of five days. He submits that absence of the convict was not on account of his intent to abscond from the process of law or to avoid surrendering but was on account of certain circumstances that

were beyond his control,.

3. A further prayer is raised that the respondents do not have competence to direct forfeiture of the surety bonds in terms of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 since the said Rules do not vest any power with the respondent-authorities to direct forfeiture of the surety bonds as contemplated under Section 10(2)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter to be referred as “the Act of, 1988”). It is also submitted that the issue has already been decided by this Court in its judgment dated 06.12.2022 in *CWP-25735-2019* titled “*Deepak vs. State of Haryana and others*”.

4. Counsel for the respondent-State is not in a position to controvert that the issue in question has already been decided by this Court in *Deepak* case (supra).

5. Consequently, the present writ petition is allowed. The order imposing forfeiture of the surety bonds is set aside.

(VINOD S. BHARDWAJ)  
JUDGE

14.02.2024

Satyawan

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No