



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-47383-2024
Date of decision: 11.11.2024

Omi and others

...petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Chetan Kapoor, Advocate for the petitioners.

Mr. P.K. Aggarwal, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition under Section 528 of BNSS 2023 has been preferred against the impugned order dated 17.03.2020 (Annexure P-3), passed by respondent No.3, District Magistrate, Sonipat whereby Ved Ram (now deceased) has been directed to deposit surety amount of Rs.2 lac as Ved Ram stood surety for convict Govind who was granted furlough but later on absconded.

2. The brief facts of the case are that Govind was convicted under Section 302 read with Section 34 IPC and sentenced to life imprisonment by the Court of Additional Sessions Judge, Sonipat and was lodged in jail. Govind was granted furlough for a period of three weeks by the competent authority vide order dated 04.09.2018 and was to surrender on 26.09.2018. Ved Ram and Hari Ram stood as his surety and they submitted surety bonds in amount of Rs.2 lac each. However, Govind absconded and did not surrender on 26.09.2018. Resultantly, District Magistrate proceeded against both the sureties and passed order Annexure P-3 dated 17.03.2020 whereby penalty of Rs.2 lac each was imposed on Ved Ram and Hari Ram.

3. The counsel for the petitioners submits that the absence of Govind was not intentional and subsequently, Govind surrendered and his



sentence in aforesaid criminal case was suspended by Division Bench of this Court vide order dated 24.05.2022 Annexure P-6. That thus, now there is no ground to recover the amount of Rs.2 lac, as a penalty from Ved Ram/his legal heirs, on the basis of order dated 17.03.2020 (Annexure P-3) passed by respondent No.3.

4. Reply by way of affidavit of Sandeep Singh, Assistant Commissioner of Police, Murthal, District Sonipat, filed on behalf of respondent-State is taken on record.

5. The State counsel on instructions from ASI Satpal has submitted that Ved Ram (since deceased) stood surety for Govind, who overstayed furlough and resultantly, penalty of Rs.2 lac was imposed on Ved Ram vide order dated 17.03.2020 (Annexure P-3) by respondent No.3, in accordance with law. However, the State counsel has not disputed the fact that subsequently, Govind surrendered and his sentence was suspended vide order Annexure P-6 by Division Bench of this Court.

6. I have considered the submissions made by counsel for the parties.

7. Undoubtedly, petitioners are legal heirs of Ved Ram who has since died.

8. Admittedly, Ved Ram stood as surety on behalf of Govind in aforesaid criminal case wherein he was convicted and later on, released on furlough for a period of three weeks vide order dated 04.09.2018. However, Govind failed to surrender within the given period and absconded. Resultantly, impugned order Annexure P-3 dated 17.03.2020 was passed by District Magistrate, Sonipat. From the perusal of Annexure P-6, it is evident that subsequently, Govind surrendered and even his sentence was suspended by Division Bench of this Court vide order Annexure P-6 dated 24.05.2022.

9. The object of the proceedings initiated by the District Magistrate was to procure the presence of Govind who was granted furlough but failed to surrender within stipulated period. It has come on the record that subsequently, Govind surrendered and was taken into custody and later on, his sentence was suspended in aforesaid criminal case vide order Annexure P-6. There is nothing to suggest that Ved Ram and Hari



Ram facilitated the escape of convict Govind or were aware of the likelihood of his absconding. In the light of the aforesaid mitigating circumstances, a lenient view can be taken in the facts and circumstances of the case. Thus, penalty of Rs.2 lac imposed on Ved Ram by respondent No.3 requires to be reduced being excessive and deserves to be modified.

10. Taking into consideration, the peculiar facts and circumstances of the case, as are discussed above and to meet the ends of justice, it will be appropriate if aforesaid penalty is reduced to certain nominal amount.

11. For the foregoing reasons, the present petition is allowed to the extent that the amount of penalty to be deposited by the petitionerss being LRs of Ved Ram is reduced to the amount of Rs.20,000/- in place of Rs.2 lac, as was directed by respondent No.3.

12. The present petition is disposed of in aforesaid terms with direction to the petitioners to deposit the aforesaid penalty of Rs.20,000/- within a period of next 8 weeks from today, with the respondent No.3.

13. The present petition stands disposed of with aforesaid modification.

11.11.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No