

S. No.268

2024:PHHC:005980

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

CRM-M-27637 of 2016

Date of Decision:16.01.2024

Rajender and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohak Arora, Advocate for the petitioners.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., the two petitioners pray for quashing the order dated 02.05.2016 (Annexure P.3) passed by learned Additional Sessions Judge, Rewari, partly allowing Criminal Revision No.12 of 2014, by reducing the amount of penalty from ₹1,50,000/- to ₹1 lac each. Prayer is also made to set aside the order dated 01.10.2013 (Annexure P.1) passed by Deputy Commissioner, Rewari directing to recover an amount of ₹1,50,000/- each as arrears of land revenue from the petitioners.

According to petitioners, one Ravinder alias Bittu son of Raghbir Singh, resident of Ushmapur, Tehsil Kosli, District Rewari was sentenced to Life Imprisonment under Section 302/34/201 IPC in a case arising out of FIR No.143 dated 17.08.2006 registered at Police Station Pataudi who was undergoing sentence in District Jail, Gurgaon. Said Ravinder was ordered to be released on furlough for a period of three weeks, commencing from 21.09.2010 and was directed to surrender back in District Jail, Gurgaon on 13.10.2010 vide order dated 08.09.2010 passed by Commissioner, Gurgaon. The two petitioners Rajender and Abhey Singh stood surety for Ravinder alias Bittu and furnished bonds of

₹1,50,000/- each for releasing Ravinder alias Bittu on furlough for a period of three weeks. Learned counsel contends that both the petitioners furnished the bonds under bonafide faith and trust by presenting the documents relating to the land owned and possessed by them. However, Ravinder alias Bittu failed to surrender before Superintendent, District Jail, Gurgaon on the date fixed, i.e. 13.10.2010 after completion of the furlough period, pertaining to which FIR No.122 dated 13.11.2010 was lodged against him at Police Station Rohari, District Rewari for an offence under Section 8/9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Learned counsel further contends that petitioners made efforts and helped in arrest of Ravinder alias Bittu later on. However, a show cause notice dated 05.08.2013 was issued to the petitioners regarding forfeiting the surety amount as mentioned in the bonds. After providing necessary opportunity of hearing, Deputy Commissioner, Rewari passed an order dated 01.10.2013, directing the petitioners to deposit surety amount of ₹1,50,000/- each, within a period of 15 days, failing which amount was to be recovered as arrears of land revenue. Petitioners challenged the said order by filing a revision before the Court of Sessions. However, learned Sessions Judge, Rewari only partly allowed the revision and reduced the amount from ₹1,50,000/- to ₹1 lac each. Learned counsel contends that the impugned orders are illegal because petitioners had shown their bonafide by handing over the custody of the absconding prisoner Ravinder alias Bittu to the Police. At the time of furnishing the bonds, petitioners were under bonafide belief that Ravinder alias Bittu shall surrender before the jail authorities within the specified time. Learned counsel for the petitioners also

contends that petitioners did not collude with Ravinder alias Bittu in making him to jump the furlough period.

Opposing the petition, learned State Counsel contends that the Court of Sessions had already taken a lenient view and has reduced the amount payable by the petitioners from ₹1,50,000/- each to ₹1 lac each.

I have considered the submissions of both the sides and have appraised the record. It is not disputed by the petitioners that they had stood surety for convict Ravinder alias Bittu, who was allowed to be released on furlough, by furnishing surety bonds of ₹1,50,000/ each. It is also not disputed that Ravinder alias Bittu committed default by not surrendering before the jail authorities on the expiry of furlough period. In these circumstances, no fault was committed by the Deputy Commissioner concerned in forfeiting the surety amount and ordering the petitioners to pay the amount of ₹1,50,000/- each. As petitioners made efforts and helped the authority to nab the convict Ravinder alias Bittu, as is contended by learned counsel for the petitioners, the Court of Sessions has already taken a lenient view and has reduced the amount to ₹1 lac each by waiving off the amount of ₹50,000/- each.

No further leniency is warranted. There is no illegality or perversity in the impugned order.

Dismissed.

January 16, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No