



CWP No.9539 of 2022

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

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CWP No.9539 of 2022

DATE OF DECISION: 04.12.2025

KAPIL ALIAS MUNNA AND OTHERS

..PETITIONERS

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shivek Thakur, Advocate for the petitioners.

Mr. Deepak Vashisth, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

1. Petitioners have assailed order dated 18.08.2021 Annexure P-1 passed by Divisional Commissioner, Palwal respondent No.2 whereby a recovery of surety amount is being sought to be effected from petitioners no.1 and 2.

2. There is no dispute about the factual controversy. Petitioner no.1 was convicted in FIR bearing No. 725, dated 28.10.2014 lodged at Police Station Ballabhgarh City, District Faridabad, under Section 302 IPC and sentenced to life imprisonment by learned Sessions Judge, Faridabad vide judgment dated 21.11.2016 Annexure P-5. First appeal (CRA-S-54-SB-2017) filed by him is pending before this Court. On an application made by him, petitioner no.1 was released on parole for a period of four weeks on

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07.03.2019. He was to surrender back on 05.04.2019. Petitioners no. 2 and 3 furnished surety bonds of Rs. 2 lacs each to the authorities. While on parole, petitioner no.1 was involved in a criminal case bearing FIR No.90, dated 13.03.2019 lodged for offences under the Arms Act at Police Station Sector 31, Faridabad. He was arrested on the same day with a country made pistol and one round of fire. He was detained in District Jail, Faridabad. When petitioner no.1 failed to surrender, proceedings were initiated against petitioners no. 2 and 3 for the recovery of the surety amount and impugned order Annexure P-1 has been passed.

3. During the course of arguments, counsel for the petitioner has placed on record a print out of the copy of judgment dated 13.11.2024 passed by the learned Judicial Magistrate, Faridabad and asserts that as petitioner had been implicated on basis of false allegations, he has been acquitted and the surety amount being recovered from the petitioners no. 2 and 3 deserves to be waived off.

4. State counsel, on the other hand, has resisted the petition and while making a reference to the reply filed on behalf of respondents no. 1 to 7 has invited the attention of the Court to the conditions specified in the release warrant Annexure R-1. He emphasis that besides failing to surrender back at the jail premises within the stipulated period, petitioner no.1 was also required to keep peace and maintain good behavior while he was on parole.

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5. During the parole period, petitioner was arrested on 13.03.2019 in another criminal case and was incarcerated in the same prison, where he was undergoing sentence in FIR No.725 dated 28.10.2014. The trial in the second criminal case has resulted in the acquittal of petitioner no.1 vide judgment dated 13.11.2024. In these circumstances, it cannot be said that petitioner no.1 failed to maintain good behavior or keep peace during the time he was temporarily released. There is no occasion to proceed against petitioners no.1 as well as 2 and to recover the surety amount. Impugned action, therefore, cannot be sustained.

6. For the afore-going reasons, writ petition is allowed. Order dated 18.08.2021, Annexure P-1, passed by Commissioner, Palwal as well as proceedings initiated against petitioners no.2 and 3 for recovery of the surety amount are quashed.

7. No costs.

December 04, 2025

Poonam Sharma

**(SUVIR SEHGAL)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No