



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

255

CRM-M-22953-2021

Date of decision: 04.09.2025

SANDEEP

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - Mr. Lokesh Sharma, Advocate for
Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 07.10.2014 passed by the District Magistrate, Rohtak whereby the surety amount of Rs. 2 lakhs was ordered to be forfeited to the State.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner had stood surety for one Sriom @ Sunda son of Sher Singh, resident of Village Chuliana, Tehsil Sampla, District Rohtak, who had been convicted for commission of offences under Section 20 of the NDPS Act and sentenced to undergo rigorous imprisonment for a period of 10 years in case bearing FIR No. 111 dated 26.05.2003. He contends that the convict Sriom @ Sunda had been granted parole for a period of four weeks

**CRM-M-22953-2021**

-2-

vide order dated 06.06.2014 by the Commissioner Rohtak Circle, Rohtak Division Rohtak. The petitioner furnished surety for a sum of Rs. 2 lakhs in terms of the order passed by the Divisional Commissioner. Consequent upon the order of release, the convict failed to surrender within the time frame whereupon the Superintendent Jail, Rohtak sent an intimation to the District Magistrate on 16.09.2014. Notice was accordingly served upon the petitioner and he was called for personal hearing on 28.10.2014. He contends that the convict was later apprehended with the help of the petitioner and has been handed over. He contend that notwithstanding the same, the impugned order has been passed whereby the surety offered by the petitioner has been ordered to be forfeited. He further contends that as a matter of a fact, the convict Sriom @ Sunda was released on furnishing of surety bonds by two persons including one Rajender. Similar order for forfeiture of the surety was passed in the matter of Rajender as well. CRM-M-22893 of 2021 had been preferred by said Rajender before this Court. Vide order dated 03.12.2021, the said petition has been disposed of reducing the surety for a sum of Rs. 2 Lakhs to Rs. 40,000/-.

3. Counsel for the respondent-State is not in a position to dispute the aforesaid aspect that similarly placed surety Rajender has already been granted the concession of sum of surety by a Co-ordinate Bench of this Court vide order dated 03.12.2021 passed in CRM-M-22893 of 2021 titled as *“Rajender versus State of Haryana and another”*.

4. Consequently while maintaining parity, the present petition is disposed of by modifying the order passed by the respondents directing forfeiture/confiscation of entire amount of Rs. 2 lakhs being harsh and



CRM-M-22953-2021

-3-

contrary to the law laid down by the Hon'ble Supreme Court in the matter of ***“Mohammed Kunju versus State of Karnataka”*** reported as ***1999(4) RCR (Criminal) 726*** case and by reducing the confiscation/forfeiture amount to Rs. 40,000/-. Let the aforesaid amount of Rs. 40,000/- be deposited with the competent authority within a period of one month from today. It is made clear that in case the said amount is not deposited within the aforesaid period, the present petition would be deemed to have been dismissed.

SEPTEMBER 4, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No