



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

261

CRM-M-11002-2023 (O&M)

Date of decision: 08.04.2026

Ram Sharan and Another

....Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Priyanka, Advocate for
Mr. Gulshan Nandwani, Advocate for the petitioners

Mr. Amrik Narwal, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present petition is to the orders dated 25.11.2021 passed by learned Additional Sessions Judge, Rewari and 21.08.2018 passed by learned District Magistrate, Rewari, whereby the petitioners were ordered to pay penalty of Rs.1,00,000/- being surety furnished in lieu of convict-Rakesh, which stands stayed by this Court on 02.03.2023.

2. Learned counsel submits that the petitioners stood surety by furnishing bonds for an amount of Rs.1,00,000/- each for convict-Rakesh, who was released on parole for a period of four weeks vide order dated 06.06.2018 and as per which, he had to surrender before the jail authorities on 05.07.2018, however, he could not surrender on account of having been arrested in another FIR No.509 dated 26.06.2018, registered under Sections 307, 34 IPC & 5, 27 of Arms Act, at Police Station Behror, following which the penalty under Section 446 Cr.P.C. was imposed to deposit an amount of Rs.1 lac each. In this regard, reference is made to the order passed by this Court in **Ramesh vs. State of**



Haryana and Another, CRA-S-751-2022, decided on 05.05.2022, wherein the amount of surety of Rs.1,00,000/- was reduced to Rs.10,000/-, operative part whereof read thus:

“Notice of motion.

Learned State counsel accepts notice and submit that the lower Appellate Court has rightly directed the appellant to deposit the entire surety amount of Rs.1,00,000/- in each case.

In reply, the counsel for the appellant has submitted that the appellant is a poor person and is not in a position to pay the entire amount of Rs.1,00,000/- each in the four similar appeals and if the amount is reduced he can pay the amount within a period of two months from today.

After hearing the counsel for the parties and considering the fact that Devender Singh for whom the appellant has stood surety has already appeared before the lower Appellate Court. It is also a fact that there are four appeals and the appellant has stood surety for him in all the four appeals for Rs.1,00,000/- each and the absence of Devender Singh was beyond the control of the appellant. Therefore, without any further delay in the disposal of the present appeal, the same is partly allowed and the penalty of an amount of Rs.1,00,000/- imposed by the trial Court upon the appellant vide impugned order dated 3.2.2022 is reduced to Rs.10,000/-, which will be paid by the appellant.

The penalty amount of Rs.10,000/- will be deposited with the lower Appellate Court within a period of two months from today.

However, it is made clear that if the amount of penalty is not deposited on or before 5.7.2022, the present appeal shall be deemed to be dismissed without any further orders.”

3. Learned State counsel submits that the Court concerned has rightly directed the petitioners to deposit the entire surety amount of Rs.1,00,000/- each, to which, their learned counsel submits that the said accused has arrested in another FIR, thus, he has not surrendered within the stipulated time, as also the petitioners are not in a position to pay the said amount and prays for it to be reduced, by taking a lenient view and they undertake to pay the same within a period of two months from today.



4. There appears to be no allegation of connivance between the petitioners and accused, nor that they had instigated or helped him, in any manner. It is also not the case set up that they had a whiff that the accused shall make a default in appearing or not surrendered before the jail authorities, this Court, thus, finds in the overall facts and circumstances of the present case that the penalty amount deserves to be reduced.

5. In view of the afore-mentioned judgment and the peculiar facts and circumstances of the case, the present petition is partly accepted, the amount of penalty of Rs.1,00,000/- each imposed upon the petitioners vide the impugned order, is reduced to Rs.10,000/- each.

6. Disposed of.

(AMAN CHAUDHARY)
JUDGE

08.04.2026
ashok

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No