

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Appeal No. S-2091-SB of 2014

Date of decision : December 14, 2015

Tara Singh

....Appellant

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms. Alisha Soni, Advocate, for the appellant
Mr. J.S.Brar, AAG, Punjab

Fateh Deep Singh, J. (Oral)

This is an appeal by appellant Tara Singh who stood surety for accused Sonu Singh in case FIR No. 111 dated 19.10.2010 pertaining to Police Station Bhikhi, under section 15 of the NDPS Act. The accused Sonu Singh absented from the court and vide orders dated 23.12.2013 surety bonds furnished by the appellant in the said case stood forfeited to the State. Upon notice, the present appellant appeared before the concerned court and made a prayer that he is poor person and have minor children and thus sought leniency raking up the plea that he has made efforts for arrest

of the accused who has since been arrested.

Counsel for the appellant has made only a simple prayer for exercise of powers for reduction of the penalty amount keeping in view this extra ordinary economic hardship of the appellant. The State though has sought to oppose it on the grounds that the accused had absented without any sufficient cause and therefore, as per the undertaking given by the appellant-surety he was under bounden duty to pay for the amount of the bonds so submitted by him.

Appreciating submissions of the two sides, undisputedly the appellant had shown innocence before the court and has only sought prayer for showing indulgence in reducing the amount of penalty so imposed on the grounds of his economic hardship. The law is tool of social justice as well and for the betterment and to ameliorate the welfare of the masses and the courts must ensure that un-due hardship is avoided by its application and in suitable cases the courts must exercise its powers to come to the aid of a poor litigant. Since it is not disputed that the appellant had made efforts and has been instrumental in surrender of the accused and thus having not denied that he is entitled to pay penalty for this gross misconduct of the accused and has only sought and prayed for leniency. Keeping in view that the appellant is poor person with small minor children and thus in the totality of his special circumstances some leniency ought to be shown.

Keeping in view all this in mind, it would be in the fitness of things and would advance the cause of justice if amount of Rs 25,000/- so imposed by the impugned order is reduced to Rs 15,000/-. With this modification, the impugned order is modified and the appeal is disposed of in those terms.

December 14, 2015
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(Fateh Deep Singh)
Judge