

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal S-3181-SB of 2015 (O&M)

Date of Decision : November 03, 2015

Jaswant Singh

.....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Manpreet Singh, Advocate
for the appellant.

Mr. R.S. Randhawa, Additional A.G., Punjab.

T.P.S. MANN, J.

Appellant-Jaswant Singh has filed the present appeal for challenging the order dated 16.9.2014 passed by learned Special Judge, Moga whereby penalty of Rs.50,000/- was imposed upon him on account of forfeiture of the surety bond furnished by him at the time of release of Raj Singh accused on bail during the pendency of trial arising out of FIR No.81 dated 5.10.2012 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sadar, Moga.

Aforementioned Raj Singh was granted the concession of bail during the trial of the case. The appellant stood surety for him by furnishing bond of Rs.50,000/-. On

5.4.2013, Raj Singh absented himself from putting in appearance before the trial Court. Accordingly, his bail was cancelled and the bonds forfeited. Notice was issued to the appellant as it was he who had stood as surety for Raj Singh. On 16.9.2014, when the appellant did not turn up despite service of notice, learned Special Judge, Moga imposed a penalty of Rs.50,000/- upon him.

Learned State counsel has apprised the Court that as accused Raj Singh could not be arrested despite issuance of non-bailable warrants and proclamation made for his appearance, he was declared a proclaimed offender on 29.11.2014. However, subsequently on 4.4.2015, said Raj Singh was re-arrested and the trial, once again, started and ended with the conviction of Raj Singh.

Learned counsel for the appellant has submitted that the appellant, who is an illiterate person, had furnished surety bond in good faith. He is a rickshaw puller and only bread winner of his family consisting of three daughters. Prayer has, accordingly, been made for setting aside the impugned order.

Having heard learned counsel for the parties and on going through the impugned order, this Court finds that once accused Raj Singh for whom the appellant had stood surety, absented himself from the trial, the appellant cannot wriggle

out the liability resulting from forfeiture of the surety bond. However, the fact that subsequently Raj Singh was re-arrested and the trial of the case is now over, some concession can be shown to the appellant in the matter of imposition of penalty.

Resultantly, the penalty of Rs.50,000/- imposed upon the appellant is reduced to Rs.20,000/-.

The appeal is, accordingly, disposed of.

**(T.P.S. MANN)
JUDGE**

**(GURMIT RAM)
JUDGE**

November 03, 2015
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