

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-562-SB of 2014 (O&M)

Date of Decision : 31.03.2015

Baij Nath Gupta

....Appellant

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr. Vivek K Thakur, Advocate for the appellant

Mr.P.J.S.Hundal, AAG, Punjab

MAHESH GROVER, J.

The appellant impugns the order dated 12.8.2009 vide which warrants of attachment for recovery of Rs.30,000/- as penalty for standing surety for an accused has been imposed upon him on account of the default of the accused.

Learned counsel for the appellant contends that the impugned order is oppressive and needs to be modified.

On due consideration of the matter, I do not find any legal infirmity in the impugned order which has been passed. Misplaced sympathy cannot be a substitute for law, particularly, when such matters are having serious repercussions. The person for whom surety is furnished is expected to remain present throughout the trial to avoid its invocation. Apart from the fact that the accused defaulted, the appellant also did not appear when Court issued notice to him. He thus does not deserve any

concession in this regard when the order is perfectly legal and in conformity with the spirit of the provisions of the Act. Besides the instant appeal has been filed after a delay of 1579 days which is unexplained.

Hence, dismissed.

March 31, 2015
rekha

(MAHESH GROVER)
JUDGE