

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

Crl. Appeal S-195-SB of 2016
Date of Decision : February 24, 2016

Abhey Ram

.....Appellant

VERSUS

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present : Dr. Naresh Kaushik, Advocate
for the appellant.

T.P.S. MANN, J. (Oral)

Appellant-Abhey Ram, who had stood surety for his son by executing surety bond and on account of his son not appearing, thereafter before the trial Court, the surety bond was forfeited and the appellant was ordered to pay penalty of Rs.1,00,000/- and in default thereof to undergo civil imprisonment for four months, has filed the present appeal.

It is submitted that the son of the appellant has already been arrested and stands convicted and sentenced in the main case. It is also submitted that on account of his poverty, the appellant could not pay the penalty of Rs. 1,00,000/- and, accordingly, taken into custody on 2.7.2014 so as to undergo civil imprisonment for four months. However, on 19.8.2014, he deposited the aforementioned amount of Rs. 1,00,000/- after borrowing it from his friends and relatives and was released from custody on 22.8.2014.

Notice of motion to Advocate General, Haryana.

Mr. Praveen Bhadu, Asstt. A.G., Haryana accepts notice.

After hearing learned counsel for the parties and keeping in view the fact that the appellant's son, who had earlier stayed away from the process of law, has already been arrested and stands convicted and sentenced, the appellant being a poor person, who could not pay the penalty of Rs. 1,00,000/- and on account thereof he remained behind the bars for a period of about one month and twenty days, this Court is of the considered view that the penalty of Rs. 1,00,000/- imposed upon the appellant by the Court below was highly excessive.

Resultantly, the penalty amount is reduced from Rs.1,00,000/- to Rs. 25,000/-. The remaining amount of Rs.75,000/- already deposited by the appellant be refunded to him against proper receipt and identification.

The appeal is, accordingly, disposed of.

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

February 24, 2016
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**(HARI PAL VERMA)
JUDGE**