

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

(130)

**CRA-S-2633-SB-2016 (O&M)
Decided on: September 20, 2016.**

Shiv Nath @ Sheo Nath

.... Appellant

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. P.S. Jammu, Advocate, for the appellant.

M.M.S. BEDI, J (ORAL)

This is an appeal against order dated 06.06.2016 imposing a penalty of Rs.25,000/- upon the appellant who stood surety for one Ashu @ Avinash an accused in appeal filed by him along with others against the order of conviction on the basis of criminal complaint filed at the instance of Subhash.

Learned counsel for the appellant submits that accused Ashu @ Avinash had gone abroad without the permission of the Court but after non-bailable warrants having been issued against him, he has returned to India and has now been granted concession of pre-arrest bail and that the matter has been compromised with the complainant party and a petition for quashing of the original criminal complaint of Subhash, has been filed as CRM-M-925-2013.

Notice to Advocate General, Haryana.

On asking of the Court, Mr. C.S. Bakhshi, Addl. A.G., Haryana, present in the Court, accepts notice. Copy given.

Taking into consideration the totality of above said circumstances that the absconder accused in the criminal appeal has already been granted concession of bail on his re-appearance before the Court and the matter having been compromised, this appeal is partly allowed. The penalty of Rs.25,000/- is reduced to Rs.10,000/- as presence of the accused has been secured pursuant to the non-bailable warrants issued.

It has been informed that the entire amount of fine has already been deposited.

The appellant will be entitled to refund of Rs.15,000/- by moving an application before the Court of competent jurisdiction.

(M.M.S. BEDI)
JUDGE

September 20, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No