

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

Criminal Appeal. No.S-3255-SB of 2016(O&M)
Date of Decision:-28.11.2016

Anita ...Appellant
Versus

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. D.S. Kahlon, Advocate for
the applicant-appellant.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Through the instant appeal, the appellant has challenged the order dated 29.04.2016 passed by learned Additional. Sessions Judge, Amritsar, whereby for non-appearance of the accused Hardik Singh @ Noni, warrant of attachment of property of applicant-surety was issued for 14.07.2016. Challenge has also been made to the order dated 22.08.2016 passed by the learned Additional Sessions Judge, Amritsar whereby sale warrant of the property of appellant-surety was issued for 09.09.2016.

Learned counsel for the appellant submits that the appellant-Anita was surety for the accused-Hardik @ Noni, who is real son-in-law of the appellant. However, on account of non-appearance of the accused-Hardik @ Noni, proclamation was issued and service effected upon him on 26.07.2016. Since, accused-Hardik did not appear before the Court despite proclamation, warrants of attachment of the property were issued against the appellant-Anita and further, sale warrants of property of the surety were issued. Learned counsel further submits that pursuant to the

orders dated 22.08.2016 and 25.08.2014 passed by learned trial Court, Tehsildar-cum-Asstt. Collector Grade-I, Amritsar-2 has enunciated proceedings under Section 69 of the Punjab Land Revenue Act, 1887. Vide letter dated 21.07.2016, learned Addl. Sessions Judge, Amritsar, has directed the Collector, Amritsar to put the property owned by the appellant-Anita on sale for the recovery of Rs.50,000/- and after selling her property, send the amount so received to the Court on or before 22.08.2016. He further submits that the accused-Hardik @ Noni, who is real son in law of the appellant, was finally arrested on 24.08.2016. Therefore, this Court may take a liberal view against the appellant-Anita, as she is a poor lady and not in a position to arrange the surety amount. In the peculiar circumstances, when the appellant-Anita is the mother-in-law of the accused-Hardik @ Noni, she has hardly any other option, except to stand surety of her son-in law-Hardik @ Noni. Thus, the surety amount imposed upon the appellant by learned trial Court may be waived/reduced.

Learned counsel for the State, on instructions from HC-Narinder Singh, does not dispute the fact that the accused-Hardik @ Noni has been arrested on 24.08.2016 and is a real son-in-law of the appellant and now he is in custody and facing trial in accordance with law.

I have heard learned counsel for the parties.

It is the admitted case of the parties that the accused, Hardik @ Noni, has been arrested on 24.08.2016 and the appellant, who stood surety of the accused, is a real mother-in-law of the accused. She claims as a poor lady and is unable to arrange the surety amount. In these peculiar circumstances, this Court finds that ends of justice would be met if the surety amount is reduced.

Accordingly, the orders dated 29.04.2016 and 22.08.2016 passed by learned Addl. Sessions Judge, Amritsar, are modified and the

present appeal is disposed of with modification to the extent that amount of penalty of Rs.50,000/- to be recovered from the appellant, is reduced to Rs.5,000/-.

However, the appellant shall deposit the said amount within a period of one month from today and in case, she fails to deposit the said amount within the stipulated time, the instant appeal be treated as dismissed.

28.11.2016
Anjal

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned : YES

Whether reportable : YES/NO