

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

**Criminal Misc.No.40740 of 2016 in/and
Criminal Appeal No.S-4651-SB of 2016 (O&M)**

Date of Decision : 23rd December, 2016

Sher Singh

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

AJAY TEWARI, J. (Oral)

Criminal Misc.No.40740 of 2016

This is an application for condonation of delay of 386 days in filing the appeal.

The applicant had stood surety for accused Vinod Kumar, who was released on bail. Said Vinod Kumar absconded. The learned trial Court cancelled the surety bond and issued notice to the applicant as to why his surety bond was not forfeited and a sum of Rs.1,00,000/- was not recovered from him. Despite having been served, the applicant did not appear and consequently, the learned trial Court vide order dated 01.10.2015, forfeited the surety bond and directed that an amount of Rs.1,00,000/- be recovered as arrears of land revenue.

It is not the case of the applicant that he did not know about the

Criminal Misc.No.40740 of 2016 in/and

Criminal Appeal No.S-4651-SB of 2016 (O&M)

-2-

said order because thereafter he appeared before the Court on 09.05.2016 and moved an application for exemption of paying the surety amount and on 27.05.2016, the following order was passed:-

*“Present: Shri Vishal Kohli Advocate, counsel for applicant.
Surety appeared and again made a request for adjournment on the ground that he be given one more opportunity to deposit the surety amount. On his request, another opportunity is given to surety. To come up on 11.07.2016 for depositing of amount by surety.”*

Now after a passage of another six months, the instant application has been filed.

No ground for condoning the delay is made out.

Dismissed.

Criminal Appeal No.S-4651-SB of 2016

As the application for condonation of delay has been dismissed therefore, the instant appeal is also dismissed.

23rd December, 2016
mamta

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No