

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 35119 of 2014(O&M)

Date of decision: 01.06.2016

Mahabir and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Dalip Kumar Tuteja, Advocate for the petitioners
Ms.Supriya Arora, Asstt. A.G. Haryana

- 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?*

Kuldip Singh, J. (Oral)

Present petitioners stood surety for the accused Parminder Singh who was granted interim bail for five days for the purpose of solemnizing his marriage. The surety undertook that if the accused does not appear, they will pay Rs.one lac to the State. Accused did not appear on 16.11.2013 and surety expressed his inability to produce the accused. Therefore, after serving notice under Section 446 Cr.P.C., the entire surety amount of Rs.one lac was imposed as penalty upon the surety-petitioners vide impugned order dated 21.11.2013.

The short prayer made by learned counsel for the petitioners is for reduction of the penalty.

Learned counsel for the petitioners states that petitioners surety had theymself appeared on the date the accused was to appear to ensure that

the accused appears. However, later on accused absconded which was not within their control.

As per stand of the State, accused was later on arrested in another FIR No.123 dated 12.4.2014 registered under Section 406, 120B IPC on 12.4.2014 i.e. after five months.

Taking into consideration the facts and circumstances and the fact that the accused was later on arrested, penalty of Rs.one lac imposed upon the surety is reduced to Rs.50,000/-.

With this modification, the revision is dismissed.

01.06.2016
gk

(Kuldip Singh)
Judge