

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2007-SB of 2016 (O&M)

Date of Decision: 18.04.2017

Paramjeet Kaur

...Appellant

VERSUS

U.T. of Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yashpal Thakur, Advocate
for the appellant.

Mr. A.S. Gulati, Advocate
for Mr. A.S. Sullar, APP, UT Chandigarh.

SURINDER GUPTA, J.(Oral)

This is appeal against order dated 08.04.2016 passed by Judge, Special Court, Chandigarh whereby he imposed penalty of ₹40,000/- on the appellant, who had furnished surety bond for accused-Brijesh Kumar in case bearing FIR No. 31 dated 29.01.2015, registered at Police Station Sector 36, Chandigarh.

Accused-Brijesh Kumar absented and a notice was issued to the appellant, who could not produce him and learned Judge, Special Court directed her to pay ₹40,000/- out of the amount of surety bond of ₹50,000/-.

Learned counsel for the appellant submits that accused-Brijesh Kumar was known to appellant as he was working as labourer in her village. He belongs to Bihar and escaped. All the efforts made by the appellant to trace accused-Brijesh Kumar turned futile. This fact was also brought to the notice of learned Judge, Special Court, who took note of the same while imposing the penalty. He further submits that penalty of ₹40,000/- is excessive and the appellant being a poor lady is not in a position to pay the

same and requests for reducing the amount of penalty imposed on the appellant.

On perusal of order dated 08.04.2016, I find that learned Judge, Special Court had taken note of the fact that appellant had made efforts to locate accused-Brijesh Kumar but could not succeed, as such, she deserves leniency while imposing amount of penalty on her. Learned Judge, Special Court imposed penalty of ₹40,000/- out of the amount of surety bond, which was to the tune of ₹50,000/-.

Keeping in view above observations of learned Judge, Special Court, I am of the opinion that amount of penalty can be further reduced to 50% of surety bond amount as the appellant had made attempts to locate accused and there was no *mala fide* on her part. Accordingly, this appeal is partly accepted and order dated 08.04.2016 is modified to the extent that the appellant will deposit 50% of the amount of surety bond instead of ₹40,000/- as imposed by the Judge, Special Court, Chandigarh.

Disposed of with above modification.

April 18, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No