

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

CRA-S-3866-SB-2016 (O&M)

Date of decision : 20.02.2017

GULZAR SINGH

...Appellant(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. Rohit Verma, Advocate
for the appellant.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Satnam Singh.

JITENDRA CHAUHAN, J. (Oral)

This appeal is directed against the order dated 21.09.2016, passed by learned Addl. Sessions Judge, Amritsar, whereby the surety amount i.e. Rs.60,000/- was ordered to be forfeited to the State.

The appellant was a surety of accused, Satnam Singh @ Satta in FIR No.247 dated 11.10.2015 registered under Section 379-B IPC, at Police Station Cantonment, Amrtisar and said Satnam Singh @ Satta was admitted to bail. Due to his absence, the bail granted to the accused was cancelled and notice was issued to the appellant on 13.07.2016. The appellant prevailed upon accused, Satnam Singh @ Satta, who surrendered to the process of the Court on 31.08.2016. It is asserted that the appellant is

a small farmer and not a surety in any other case.

On the other hand, the learned State counsel opposes the present appeal.

Heard.

Considering the fact that the appellant is only the surety of accused, Satnam Singh @ Satta, who did not appear after availing the benefit of bail, however, he himself surrendered on 31.08.2016 and the trial stands completed, therefore, this Court is inclined to take a lenient view in the matter. Accordingly, the present appeal is allowed and the order under challenge is hereby set aside.

In case the appellant has already deposited the surety amount i.e. Rs.60,000/-, the same be released in favour of the appellant on moving the application in this regard.

20.02.2017

ashok

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No