

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

CRA No.S-3924-SB of 2016 (O&M)

Date of Decision:- March 17, 2017

Jamid Ali and another

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ishan Gupta, Advocate
for the appellant.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present appeal has been filed by the appellant against State of Punjab, challenging the order dated 25.05.2016 passed by learned Addl. Sessions Judge, Sangrur, vide which a sum of ₹5,00,000/- has been imposed as penalty upon each of the appellants being surety of the accused.

Notice of motion was issued. Learned State counsel appeared and contested the appeal.

I have heard learned counsel for the appellant as well as learned State counsel and have gone through the record.

As per the case of the appellants, they stood surety for accused Mohd. Javed @ Jangira and penalty of ₹5 lakhs each was imposed upon them under Section 446 Cr.P.C. The appellants came to know from one

Illyas that warrants of accused Mohd. Javed has been issued on 25.05.2016. They immediately contacted the accused and found him in Gujarat for some religious campaign and the accused was produced within a short period before the court.

The perusal of the record shows that appellants have been duly served through affixation at their residence and it is admitted fact that they stood surety for Mohd. Javed @ Jangira, who absented from the Court proceedings. Therefore, the appellants are liable to pay penalty under Section 446 Cr.P.C.

However, as argued and not contested by learned State counsel, Mohd. Javed @ Jangira was produced in the Court within a short period. Learned counsel for the appellants relied upon Annexure A-1 i.e. the application sent by Mohd. Javed @ Jangira to adjourn the case after 09.07.2016 as he had gone to Gujarat for religious campaign.

Keeping in view the above facts, I find that the penalty of ₹5,00,000/- each upon the appellants is excessive. At the time of arguments also, learned counsel for the appellants only prayed for reduction of penalty.

In view of the above discussion, the penalty imposed upon the appellants is reduced and they are directed to pay penalty of ₹25,000/- each instead of ₹5,00,000/- each.

Resultantly, present petition stands disposed of accordingly.

March 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No