

212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S No. 892-SB of 2017 (O&M)

Date of Decision: August 01, 2017

Mahender Singh

..... Appellant

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ashwani Gaur, Advocate,
for the appellant.

SUDIP AHLUWALIA, J. (ORAL)

CRM No. 7391 of 2017:

Notice of motion.

Mr. Vikas Malik, D.A.G., Haryana, accepts notice on behalf of
the State.

For the reasons mentioned in the application, the delay of 24
days in filing the present appeal is hereby condoned.

The application stands disposed off.

CRA-S No. 892-SB of 2017:

In this appeal, the appellant has challenged the order, dated
November 22, 2016, passed by the Ld. Additional Sessions Judge, Jind,

imposing the penalty of ₹ 50,000/- (Rupees Fifty Thousand Only).

The background of the matter is that the appellant had stood surety for one Salim, an accused, in the trial before the aforesaid Court. The said accused absented himself from the proceedings on May 28, 2013, on account of which, his bail bonds and surety bonds were ordered to be forfeited to the State. Notice was issued to the present appellant under Section 446 of the Cr.P.C., followed by other processes, when he failed to appear, in spite of service of notice.

On the date of passing of the impugned order, he filed an application before the Ld. Court below.

Such application is not on record in this case, but a perusal of the impugned order goes to show that there was a prayer made for taking up the file on that particular date itself and for deciding the same. The order further goes to show that the appellant's counsel had submitted before the Ld. Court below, "that surety is an innocent person and he is ready to deposit the surety amount and requested that he be discharged".

In view of the aforesaid submission made on behalf of the appellant, the Ld. Additional Sessions Judge directed the appellant to deposit the fine equal to the surety amount of ₹ 50,000/- (Rupees Fifty Thousand Only), after which the appellant was discharged from his liability.

In the given circumstances and in the absence of any material on record to indicate whether at all any prayer for reduction of the fine amount or any ground justifying such prayer were ever placed before the

Ld. Court below, this Court finds no reason to interfere with the impugned order.

The present appeal is, accordingly, dismissed.

August 01, 2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No