

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

CRL. MISC. No.M-8462 OF 2015 (O&M)
DATE OF DECISION : 14TH MARCH, 2016

Pawan Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Jayender S. Chandail, Advocate for the petitioner.
 Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith with consent of counsel for the rival parties.

The petitioner has put to challenge the orders made by the trial Court as well as of the revisional court in slapping the penalty of ₹50,000/- for non-production of the accused for which he stood surety.

Learned counsel for the petitioner submits that the accused, who had absconded and who did not appear before the trial Court at the state of revision before the Sessions Court, was traced out by him with the assistance of the police and brought before the Court. The accused was then tried and fortunately stood acquitted. He, therefore, submits that he having made efforts to trace out the accused, should not be penalized, since the penalty of ₹50,000/- is on higher side.

Per contra, learned State counsel opposed the petition and supported the impugned orders.

Having heard learned counsel for the rival parties in the light of the fact that the accused was traced out by the petitioner, though with the help of the police by making herculean task, the petitioner should not be penalized with the penalty of ₹50,000/-, since the ultimate object stands achieved, namely production of accused before the Court.

In that view of the matter, rule is made absolute in terms of the prayer clause and the impugned orders are set aside. The penalty is reduced to ₹20,000/- which was already deposited by the petitioner pursuant to order dated 17.03.2015.

14TH MARCH, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No