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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA No. S-391-SB of 2005 (O/M)
Date of decision : 27.9.2018

Tara Singh

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Ramneeq Kaur Jawanda, Advocate, for,
Mr. K.S. Bhangu, Advocate,
for appellant.

Mr. Sandeep Mann, AAG Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Heard.

Bus bearing registration No. PB-13-E-9804, belonging to appellant Tara Singh, was taken by him on sapurdari in the sum of Rs. 4,00,000/-, with one surety of the like amount, in case FIR No. 103, dated 5.10.2000, registered under Sections 395, 465, 467, 468, 471, 506 IPC, Police Station Nahian Wala. There was a condition in sapurdari bond that bus will be produced in Court on each and every date of hearing and the bus will not be sold without permission of Court.

It comes out that during trial proceedings, appellant, being an old man, gave power of attorney to one of his relative Manjit Singh with further right to alienate same. Manjit Singh sold the bus during pendency of trial. It also comes out that during trial, bus was sold three times.

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Consequently, bus was not produced and proceedings under Section 446 Cr.P.C. were initiated.

A plea was taken before trial Court is that appellant is an old man and condition to alienate bus was inadvertently incorporated in power of attorney. However, trial Court has observed that even earlier surety Bikramjit Singh alias Bhola had moved an application that present appellant/owner of bus is proclaiming that he will not produce bus in Court. Therefore, his surety was cancelled and fresh surety was produced.

In this case, admittedly, there is a violation of condition of sapurdari bonds. Now, questions would arise as to how much penalty is to be imposed. The bus was subject matter of trial Court. As per undertaking given by appellant in his personal bond, he will not alienate the bus without permission of Court.

Considering the entirety of circumstances and effect on the trial, while maintaining trial Court order dated 15.1.2005, passed by learned Additional Sessions Judge, Bathinda, the penalty is reduced from Rs. 2,00,000/- to Rs. 50,000/-.

With the abovenoted modification, appeal is dismissed.

(KULDIP SINGH)
JUDGE

27.9.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No