

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

**Criminal Appeal S-504-SB of 2005
Date of Decision: May 16, 2018**

Mohinder Singh

.....Appellant

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : None for the appellant.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

T.P.S.MANN, J. (ORAL)

The appellant stood surety for his son Karan Singh who was facing trial in FIR No. 345 dated 8.7.2003, Police Station City, Hisar under Section 328 IPC. He was burdened with penalty of Rs.20,000/- as Karan Singh had jumped bail on 14.7.2004 and the appellant did not produce him before the Court.

At the time of admission of the appeal, the Court was informed that Karan Singh accused had surrendered before the trial Court on 27.8.2004 and was released on bail. However, he was murdered two months later. Accordingly, it was directed that payment of fine shall remain stayed during the pendency of the

appeal.

When the appeal was taken up for final hearing on 24.11.2017, the Court noticed office report, as per which, the appellant had also died on 3.10.2006.

The factum of accused Karan Singh surrendering before the trial Court on 27.8.2004 stands established from the certified copy of the order dated 27.8.2004 appended with the present appeal.

Learned State counsel has filed the status report by way of affidavit of the Station House Officer, Police Station City, Hisar and also the statements of Durga Devi, Puran Singh @ Bablu and Narender @ Dhabbu. Learned State counsel has also produced the report prepared by Incharge, Police Post M.D. Hisar. It has been stated therein that Mohinder Singh appellant had expired on 3.10.2006 due to illness.

None has put in appearance for the appellant or any of his near relative. However, from a perusal of the order dated 27.8.2004 passed by the trial Court, it stands established that Karan Singh accused, though jumped bail on 14.7.2004 yet he had surrendered on 27.8.2004, i.e. within a period of one month and thirteen days of his jumping bail. Under these circumstances, it will be, in the interest of justice, to waive off the penalty imposed upon the appellant, who has already expired during the pendency

of the appeal.

Resultantly, the penalty of Rs.20,000/- imposed upon the appellant on account of forfeiture of surety bond stands waived off.

The appeal is, accordingly, disposed of.

May 16, 2018
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No