

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

CRA-S-4399-SB of 2017(O&M)

Date of Decision: 23.04.2018

Kaur Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manjit Kaur, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present appeal has been filed against the impugned order dated 10.11.2017 passed by learned Additional Sessions Judge, Patiala vide, which the surety amount of Rs.1 lac furnished by the present appellant has been ordered to be forfeited under the provisions of Section 446 of the Code of Criminal Procedure.

It is contended by learned counsel for the appellant that Jagsher Singh-accused for whom the surety was furnished by the appellant already stands arrested on 09.08.2017 and he is facing the trial and is regularly appearing before learned trial Court. It is further contended that the appellant is a poor person and in good faith he stood surety for Jagsher Singh. It is also contended that in terms of order dated 20.03.2018 passed by this Court, 50% of the amount i.e. Rs.50,000/- has already been deposited by the appellant before learned Additional Sessions Judge, Patiala.

The above factual position is duly acknowledged by learned State counsel.

Since the appellant is a surety and the main accused-Jagsher Singh has already been arrested and is regularly appearing

before learned trial Court. Therefore, this Court deems it appropriate to modify the impugned order 10.11.2017 to the extent that the forfeiture of surety amount of Rs. 50,000/-(fifty thousand only) instead of Rs. 1,00,000/- (one lac) would be proper and justified.

Ordered accordingly.

[MAHABIR SINGH SINDHU]
JUDGE

April 23, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no