

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15350-2017

Date of decision:- 22.02.2018

Suraj Bhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Balraj Singh, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed for quashing of order dated 11.03.2016 (Annexure P-1), passed by learned Additional Sessions Judge, Kurukshetra, vide which the penalty of ₹50,000/- has been imposed upon the petitioner, being the surety of accused Shri Bhagwan son of Balwan Singh, who later on was declared proclaimed offender.

It is contended that the petitioner is a poor man belonging to Scheduled Caste community having yellow ration card (Annexure P-2) and in good faith he stood surety for accused Shri Bhagwan.

This Court while issuing notice of motion on 03.05.2017 has passed the following order: -

“Heard.

Learned counsel for the petitioner confines the relief claimed in this petition only for taking lenient view about the quantum of

penalty imposed on the petitioner.

Notice of motion for 10.08.2017.

Impugned order shall remain stayed, till the next date, subject to deposit of 50% of the penalty amount, within two weeks.”

In compliance of order dated 03.05.2017, the petitioner has deposited 50% of the penalty amount i.e. ₹25,000/- before the learned trial Court and that is not disputed by learned State counsel, rather duly acknowledged.

Facts of this case reveal that petitioner is a very poor man and he stood surety in good faith and he has already deposited 50% of the penalty amount of ₹50,000/- i.e. ₹25,000/- before the learned trial Court in pursuance of order dated 03.05.2017.

In view of the facts and circumstances discussed hereinabove, it is just and appropriate that order dated 11.03.2016 is modified to the extent that instead of ₹50,000/-, the penalty of ₹25,000/- is imposed upon petitioner Suraj Bhan.

Consequently, the present petition stands disposed off in the above terms.

February 22, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes