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

**CRM-M No.8662 of 2018
Date of Decision: 02.04.2018**

Amar Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has prayed for quashing of order dated 11.09.2017 passed by Judicial Magistrate First Class, Ludhiana in the trial of FIR No.103 dated 04.07.2015 registered under Section 22 of the NDPS Act at Police Station Doraha, District Ludhiana along with subsequent proceedings arising therefrom.

As per facts emerging on record, the petitioner stood as surety for the accused Parminder Singh. Parminder Singh was granted bail. The surety bonds furnished by the petitioner were accepted and attested on 14.09.2015. Parminder Singh absented from the Court on 23.09.2016. Petitioner was served

with a notice under Section 446 Cr.P.C. Petitioner appeared before the trial Court on 09.08.2017 and made a statement that he would produce the accused in the Court on 11.09.2017. Unfortunately, petitioner met with an accident on 31.08.2017 and remained confined in Sidhu Hospital Private Limited, where he was operated on 01.09.2017 and was discharged on 02.09.2017. Keeping in view the medical condition of the petitioner, he could not appear before the trial Court on 11.09.2017 i.e. the date given by the trial Court for production of accused Parminder Singh. Resultantly, Parminder Singh was not produced on 11.09.2017. Accordingly, penalty of Rs.50,000/- was imposed upon the petitioner and necessary proceedings for recovery of the amount were also initiated. Petitioner has already facilitated production of accused on 04.01.2018 after recovering from his injuries and now the accused is facing trial.

In the present petition, petitioner has prayed for waiver of amount of penalty as imposed by the trial Court on the ground that he was sufficiently prevented by the circumstances in not appearing in the Court along with accused on 11.09.2017. The accused was ultimately made to surrender on 04.01.2018. The treatment chart of Sidhu Hospital was pressed into service in order to show medical health of the petitioner.

On 19.03.2018, learned State Counsel sought time to

verify the authenticity of hospital record as projected by the petitioner. Today, a short reply has been filed by way of affidavit of Rachhpal Singh, Deputy Superintendent of Police, Sub-Division Payal, Police District Khanna, District Ludhiana, wherein factum of admission of the petitioner in Sidhu Hospital has been admitted with reference to certification done by Dr. Ravinderpal Singh Sidhu, MS Orthopaedics, Orthopaedic Surgeon dated 26.03.2018.

For the reasons recorded hereinabove, I deem it appropriate to accept the present petition. Impugned order dated 11.09.2017 passed by Judicial Magistrate First Class, Ludhiana imposing penalty of Rs.50,000/- upon the petitioner/surety is hereby quashed.

April 02, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No