

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

**CRA-S-3670-SB-2016 (O&M)
DATE OF DECISION:-07.02.2019**

DARSHAN SINGH

...PETITIONER...

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Harshit Jain, Advocate,
for the appellant.

Mr. A.S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

CRM-32471-2016

For the reasons mentioned in the application, delay of 15 days
in filing the appeal is condoned.

CRM stands disposed of.

CRA-S-3670-SB-2016

Through this appeal under Section 449 Cr.P.C., prayer has
been made for setting aside order dated 27.07.2016 (P-1), whereby, the
appellant was ordered to pay penalty of Rs.1 lac, who stood as surety
for bailing out Mohd. Saleem @ Kala-accused in FIR No.42, dated
30.05.2015, under Section 22 of the NDPS Act, 1985, Police Station
City-2 Malerkotla.

Learned counsel for the appellant has fairly conceded that

impugner order dated 27.07.2016 (P-1) is perfectly legal, but prayed for mercy from this Court pleading that appellant is a poor person having a joint house built in 75 Sq. yrds duly shared with his brother. Penalty of full surety amount has been imposed by the trial court, without considering the fact that appellant was not abetter to the absence of the accused during trial.

Considering overall facts and circumstances, the impugned order dated 27.07.2016 (P-1) is modified to the extent of ₹50,000/- in place of ₹1,00,000/-, which the appellant would pay as penalty within a period of one month from the date of receipt of certified copy of this order, failing which, this appeal shall automatically deem to have been dismissed. In case, the petitioner fails to comply with this order, the trial court shall be at liberty to realise the penalty amount by adopting all modes including coercive one.

Disposed of.

07.02.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No