

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

CRR No. 2198 of 2019 (O&M)

Date of decision: 05.09.2019.

Surender

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Chand Ram Olla, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 22.04.2019 whereby the Lower Appellate Court while partly accepting his appeal has reduced the penalty of surety bond from ₹50,000/- to ₹25,000/-.

Learned counsel for the petitioner contends that the petitioner was a servant of Gurmeet @ Mithu, who was an accused in case FIR No. 221 dated 30.04.2016, under Sections 380, 457 of the Indian Penal Code, 1860, registered at Police Station City Fatehabad, District Fatehabad, and had furnished surety bond in the sum of ₹50,000/-. The accused did not appear before the trial Court and the order forfeiting the surety amount was passed by the trial Court. He also contends that the petitioner is a landless labourer and he was a servant of the accused. He also contends that the accused has been arrested and he is facing trial. He further contends that there is no allegation that the petitioner had connived with the accused at the time the accused had evaded his arrest. He has relied upon the judgment of the

Supreme Court in the case of Mohammed Kunju and another v. State of Karnataka, AIR 2000 Supreme Court 6, wherein penalty amount was reduced from ₹25,000/- to ₹5,000/-. He prays that the amount of penalty imposed by the Lower Appellate Court be further reduced keeping in view the financial condition of the petitioner.

Issue notice to the respondent.

At the asking of the Court, Mr. Saurabh Girdhar, AAG, Haryana, accepts notice on behalf of the respondent - State.

Heard. The petitioner is stated to be a landless labourer. He was working in the fields of the accused and the accused has now been arrested and he is facing trial. There is also no allegation that the petitioner had connived with the accused at the time the accused had evaded his arrest. In these circumstances, it would be in the interest of justice if the penalty amount imposed by the Lower Appellate Court is further reduced to ₹10,000/-.

Consequently, the petition is partly allowed and the penalty amount imposed by the Lower Appellate Court is reduced to ₹10,000/-. The petitioner shall deposit the penalty amount of ₹10,000/- before the trial Court within a period of one week from today.

(ANUPINDER SINGH GREWAL)
JUDGE

05.09.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No