

CRA-S-126-2019 (O&M)

Date of decision: April 02, 2019

Daljit Singh

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. Rohan Sharma, Advocate
for the appellant.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in this appeal is for setting aside the impugned order dated 16.1.2019 passed by the Additional Sessions Judge, Patiala vide which the recovery warrants of Rs.75,000/- was issued against appellant-Daljit Singh, who stood surety of accused Seema Verma @ Pooja in FIR No.111 dated 6.12.2014 under Sections 328, 457, 380 and 489 IPC registered at Police Station Bakshiwal, Patiala.

Brief facts of the case are that an FIR was registered against Seema Verma @ Pooja under Sections 328, 457, 380 and 489 IPC and while granting bail, she furnished the bail/surety bonds in which the petitioner stood as a surety for the said accused person.

Thereafter, when the accused failed to appear before the trial Court, bail/surety bonds were cancelled and non-bailable warrants were issued against her. The trial Court also initiated the proceedings under 446 Cr.P.C. against the appellant and he was arrested on 16.1.2018, thereafter, he was granted bail by the trial Court. Thereafter, vide impugned order dated 16.1.2018 the trial Court straight way issued a recovery notice against the appellant for a sum of Rs.75,000/-, i.e. the amount equivalent to the surety amount given by the petitioner and directed the Tehsildar to auction the property of the appellant and recover the amount.

On 17.1.2019, the appellant was directed to deposit an amount of Rs.25,000/- with the trial Court. Counsel for the appellant submitted that he has already deposited amount of Rs.25,000/- on 18.2.2019 and placed on record the receipt in support thereof.

Counsel for the appellant further argued that the appellant is a poor person and he is in not a position to pay the entire surety amount of Rs.75,000/-. Counsel for the appellant has relied upon judgment in case titled as Angrej Singh Vs. State of Punjab, 2010(4) RCR (Criminal) 580, wherein, in a similar circumstance, this Court had reduced the amount.

Learned State counsel, on instructions from ASI Jagir Singh, could not dispute the factual position, however, submits that the accused in the FIR Seema Verma @ Pooja was, later on, declared as a proclaimed offender.

After hearing counsel for the parties, I find merit in the appeal.

It is not disputed that the appellant stood surety for the accused for a sum of Rs.75,000/-, out of which he has already deposited an amount of Rs.25,000/- with the trial Court. It is also not disputed that trial Court, without affording opportunity of hearing to appellant, has directed him to deposit Rs.75,000/-

In view of the judgment passed in Angrej Singh's case (supra), this appeal is allowed and the recovery amount of Rs.75,000/- is reduced to Rs.25,000/-, which already stands deposited by the appellant with the trial Court.

With the aforementioned observation, this appeal is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

April 02, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No