

CRA-S-2576-SB of 2017

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

CRA-S-2576-SB of 2017
Date of Decision: 10.02.2020

Surinder Kaur

...Appellant

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Harsh Garg, Advocate, for the appellant.
Mr. Bhupender Benipal, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, prayer has been made for setting aside order dated 05.06.2017 of the trial Court, whereby entire bond amount of ₹1,00,000/- has been imposed as penalty upon the petitioner under Section 446 Cr.P.C.

Briefly, appellant stood surety for her son Gurpreet Singh, who absented on 26.05.2017. Resultantly, trial Court cancelling his bail and forfeiting surety bonds furnished by the appellant, issued non-bailable warrants of arrest of the accused for 05.06.2017. However, before issuance of non-bailable warrants of accused Gurpreet Singh, he himself surrendered before the trial Court on the adjourned date i.e. 05.06.2017 and his custody was handed over to Naib Court. However, he fled away from his custody.

Learned counsel contends that appellant produced her son for whom, she had stood surety, on the very next day. Thus, imposing penalty

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of the entire surety amount of ₹1,00,000/- upon the appellant vide impugned order dated 05.06.2017 is disproportionate to her conduct.

Heard.

Considering overall facts and circumstances, penalty imposed upon the appellant by the trial Court vide order dated 05.06.2017 impugned herein, is reduced from ₹1,00,000/- to ₹10,000/-. The appellant is directed to deposit the same within one month from today, failing which this order shall automatically stand cancelled/withdrawn.

Disposed of.

February 10, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No