

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

CRA-S-460-2019

Date of decision:-12.2.2020

Shali Devi

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Chetan Goyal, Advocate
for the appellant.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J.

By way of filing the present appeal, the appellant Shali Devi has challenged the impugned order dated 6.11.2018 passed by Additional Sessions Judge, Patiala, vide which a penalty of Rs.50,000/- has been imposed upon her under Section 446 Cr.P.C.

Briefly stated, facts of the case are that appellant Shali Devi had stood surety for appearance of her son Gora Ram, an accused in FIR No.84 dated 29.5.2016 for an offence under Section 22 of NDPS Act registered with Police Station Patran, in the Court on each and every date of hearing and in default thereof to pay a sum of Rs.50,000/- to the State.

Her son Gora Ram had absented from the Court. He could not be arrested

despite issuance of warrants of arrest against him. Ultimately, a proclamation under Section 82 Cr.P.C. was published against such accused and he was declared a proclaimed offender vide order dated 6.11.2018. Appellant Shali Devi had appeared in the Court. Notice under Section 446 Cr.P.C. was served upon her, to which, she pleaded guilty and requested for taking of a lenient view. However, a penalty of Rs.50,000/- was imposed upon her, which left her aggrieved and she has approached this Court by way of filing the present appeal.

Notice of the appeal was given to respondent and State appeared through State counsel.

I have heard learned counsel for the parties besides going through the record.

Undisputedly appellant Shali Devi being mother of accused Gora Ram had stood surety for his regular appearance in the Court by furnishing requisite bonds and in default to pay surety amount of Rs.50,000/- to the State. The accused has since absconded. While being served with notice under Section 446 Cr.P.C., appellant Shali Devi had pleaded guilty. A sum of Rs.50,000/- was rightly directed to be recovered from her. Though a plea has been raised on her behalf that she is a poor woman and not in a position to pay a sum of Rs.50,000/- but all these things are immaterial. Before standing surety for her son, she should have thought over all the matters. With her son having absconded, it can safely be taken that the said fact was within her knowledge, she cannot come up with a plea that since she is a poor woman, leniency be shown to her in payment of the surety amount. If such type of pleas are accepted that would lead to a steep increase in the incidents of jumping bails. The

people would think that one can furnish surety for a very high amount and when the accused commits any default, then a nominal amount paid towards surety amount taking plea of poverty or financial constraints.

I do not find any reason to reduce the amount of penalty. In my considered view, the impugned order passed by learned trial Court is well reasoned one, based upon proper appraisal and appreciation of record and correct interpretation of law. There is no illegality or infirmity therein. The same is upheld, whereas appeal is found to be without any merit and the same is dismissed accordingly.

Necessary intimation be sent to the quarter concerned.

12.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No