

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-345-SB-2007 (O&M)

Date of decision : September 6th 2022

Ranjit

...

.....Appellant

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vivek Khatri, Advocate assisted by
Ms. Harleen Ahluwalia, Advocate and
Mr. Sushil Bhardwaj, Advocate for the appellant

Mr. Vijesh Sharma, Additiional Advocate General,
Haryana.

...

H. S. Madaan, J.

1. This appeal is directed against order dated 28.7.2005, vide which Additional Sessions Judge (Fast Track Court), Bhiwani, had imposed a penalty of Rs.20,000/- upon appellant – Ranjit son of Harnam, resident of village Sirsa Ghogra, P.O. Bamla, Tehsil and District Bhiwani, who had stood surety for accused Manoj in FIR No. 193 dated 24.5.2003, for offences under Sections 147, 148, 307, 323 and 506 IPC read with Section 149 IPC, registered at Police Station Sadar, Bhiwani.

2. Briefly stated, facts of the case are that appellant – Ranjit had stood surety for accused-Manoj, by furnishing bonds on

31.1.2004 to the effect that accused Manoj would appear in the Court on each and every date of hearing and in case of default, he would pay a sum of Rs.20,000/- to the State. Such accused absented from the Court on 26.5.2005, with the result his personal bond and surety bond were forfeited to the State. Notice was issued to appellant-Ranjit -surety under Section 446 Cr.P.C. Appellant-Ranjit put in appearance in the Court. Notice under Section 446 Cr.P.C. was served upon him as to why surety amount of Rs.20,000/- be not recovered from him. Ranjit sought some time to cause appearance of accused Manoj in the Court. However, he failed to do so. Accused -Manoj had absconded. Since surety – Ranjit was unable to cause appearance of Manoj in the Court, despite taking various opportunities, a penalty of Rs.20,000/- was imposed upon him, vide impugned order dated 28.7.2005. Surety – Ranjit has challenged this order by way of filing the present appeal, notice of which was given to the State.

3. I have heard, counsel for the appellant, learned State counsel, besides going through the record and I do not find any merit in the appeal.

4. The impugned order is quite detailed and well reasoned. The appellant having stood surety for Manoj in the sum of Rs.20,000/- and when Manoj absented from the Court and he failed to cause his appearance, the penalty of Rs.20,000/- was rightly imposed upon him. He could not explain any reason for taking a lenient view in the matter. While furnishing surety, the appellant should have known the fact that if the accused for whom he had

furnished bond, did not appear in the court regularly or absented from proceedings, then he would be liable to pay the surety amount.

5. There is no ground to interfere with the impugned order, which does not suffer from any illegality or infirmity.

6. The appeal is without any merit and the same stands dismissed.

September 6th 2022
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No