

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.272

CRM-M-10057-2022(O&M)
Date of decision: 05.05.2022

BALWAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Rajesh Dhankhar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

* * *

VINOD S. BHARDWAJ, J. (Oral)

The present petition raises a challenge to the order dated 25.11.2021, to the extent that a penalty of Rs.50,000/- has been imposed upon the petitioner by the trial Court, as the accused-Naveen had not appeared before the Court on the date fixed i.e. 21.10.2021.

Learned counsel for the petitioner submits that the petitioner had stood surety on behalf of the accused-Naveen and pursuant to the said accused not appearing before the Court, notice was served to the petitioner and he took expeditious steps to ensure that accused-Naveen for whom the petitioner had stood surety was arrested and produced before the Court. The petitioner had in fact himself informed the Police and got the said accused-Naveen arrested from his house on 23.11.2021, in the presence of representatives of the Gram Pranchayat, Khachroli. The said aspect stands

duly corroborated by the affidavit of the Sarpanch, Gram Panchayat.

Pursuant to the notice issued, a response has been filed by the respondent-State by way of affidavit of Naresh Kumar, HPS, Deputy Superintendent of Police, Beri, District Jhajjar, in which the said aspect is not disputed.

Taking into consideration the said fact, accused-Naveen for whom the petitioner had stood surety had absented himself only for one date and the petitioner had taken expeditious steps to ensure the presence of the absconding accused, the penalty of Rs.50,000/- imposed upon the petitioner would be disproportionate and appears to be harsh.

In this view of the matter, the present petition is partly allowed and the penalty of Rs.50,000/- that has been imposed by the Sessions Judge, Jhajjar, vide order dated 25.11.2021 passed in CIS No.SC-351-2019 titled State of Haryana Vs. Preetam @ Kale etc. is reduced from Rs.50,000/- to Rs.20,000/-.

The present petition is partly allowed and is accordingly disposed of.

05.05.2022
Amandeep

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No