

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

CRA-S-1575-2022

Date of Decision: 29.08.2022

Soma Rani

... Appellant

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Piyush Khanna, Advocate for the appellant

Sandeep Moudgil, J. (Oral)

This appeal has been filed by the appellant seeking to set aside the order dated 16.07.2022 passed by Addl. Sessions Judge, Hoshiarpur dismissing the application for recalling warrants of attachment for sale of property and for remission of surety amount and with a limited modification to the extent of reduction of penalty from Rs.1 lakh to some nominal fine/penalty.

Learned counsel for the appellant contends that it was vide order dated 16.07.2018 (Annexure P3), the main accused Randhir Singh was declared PO and intimation was sent to the SSP and SHO, Hoshiarpur. The surety did not come present though she was present on the last date of hearing which weighed in the mind of the Court below to observe that she has nothing to say with regard to the main accused and notice under Section 446 CrPC was issued imposing a fine of Rs.1 lakh. Thereafter, an application was moved for recalling the warrant of attachment and sale of property which has now been dismissed vide order dated 02.02.2022 (Annexure P5). A perusal of the record reveals that after issuance of notice under Section 446 CrPC to the surety and non-bailable warrants of arrest vide order dated 20.04.2018, proclamation was ordered to be issued against the accused and notice to surety under Section 446 CrPC was also issued. Finally, vide order dated

16.07.2018, Randhir Singh was declared proclaimed person and warrant of recovery of Rs.1 lakh from the present appellant, who stood surety was sent to the Collector. The case is fixed for prosecution evidence, could not be proceeded further, which is sufficient to hold that the appellant, along with main accused is making attempts to delay the prosecution case.

Today learned counsel for the appellant contended that a sympathetic view may be taken, apart from that no material plea has been raised.

Going into the facts and having a look at the discussion hereinabove made from the records of the file, this Court do not find any justification to intervene with the impugned order dated 16.07.2022.

Dismissed.

29.08.2022

V.Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No