

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-192-2023 (O&M)
Date of Decision: 19.07.2023

Rajesh Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Grewal, Advocate, for the appellant.

JASGURPREET SINGH PURI, J.

1. The present appeal has been filed against the impugned order dated 14.12.2022 passed by learned Additional Sessions Judge, Jagadhri at Yamuna Nagar whereby the appellant has been directed to pay a penalty of Rs. 50,000/- under Section 446 of the Code of Criminal Procedure.

2. An FIR No.187 dated 14.03.2020, under Sections 148, 149, 279, 323, 337, 338, 506 IPC and Sections 3 (1) (r) & 3 (1) (s) of SC & ST Act, Police Station Yamuna Nagar City, District Yamuna Nagar was registered against one Sachin Sharma and other co-accused. The aforesaid Sachin Sharma was granted the concession of bail by the learned trial Court and the present appellant, namely, Rajesh Kumar furnished surety bonds for the aforesaid accused Sachin Sharma. Thereafter the accused Sachin Sharma did not appear before the learned trial Court on 26.05.2022 without intimation to the Court and therefore, his bail and bonds were cancelled and

stood forfeited to the State. Warrants of arrest were issued against him. Notice to his surety who is the present appellant was also issued for the date fixed vide Annexure A-2 dated 26.05.2022. Thereafter on 07.07.2022, fresh warrants of arrest were issued against the accused persons and notice to the surety under Section 446 Cr.P.C was directed to be executed through SHO vide Annexure A-3. Thereafter on 06.08.2022, the present appellant namely Rajesh Kumar who was surety for accused Sachin Sharma appeared before the Court and suffered statement to the effect that he stood surety for the accused Sachin Sharma in the present case who has now absented himself. The appellant sought time to produce the accused and he was directed to produce the accused Sachin Sharma on or before the adjourned date. Thereafter on 18.08.2022 vide Annexure A-5, the appellant Rajesh Kumar did not appear before the Court, even though on the earlier date he had made a statement that he will produce the accused before the Court. Therefore, warrants of arrest were issued against the present appellant for the adjourned date. Thereafter again vide Annexure A-6 dated 05.09.2022 non-bailable warrants were issued against the present appellant and the accused Sachin Sharma. Thereafter on 14.12.2022, the appellant Rajesh Kumar appeared in person and he could not produce the accused Sachin Sharma and regarding notice under Section 446 Cr.P.C issued to the appellant, he pleaded guilty and as such, a penalty of Rs. 50,000/- was imposed upon the appellant. It was also directed that warrant of recovery against the appellant be issued for 16.01.2023 in the name of Collector, Yamunanagar.

3. Learned counsel for the appellant has submitted that the impugned order has been passed in violation of the provisions of Section

446 Cr.P.C and no proper notice was issued to the appellant in this regard. He further submitted that as an alternative the amount of Rs. 50,000/- be reduced to any other reasonable amount.

4. I have heard the learned counsel for the appellant.

5. The argument raised by the learned counsel for the appellant that proper notice was not issued to the appellant is not sustainable and is against the record. A perusal of the annexures which have been attached as stated above would show that proper procedure has been followed by the learned Court below after issuance of notice and thereafter, the appellant has also pleaded guilty and consequently vide order dated 14.12.2022 a penalty of Rs. 50,000/- has been imposed upon the appellant. There is no illegality or perversity in the impugned order passed by the learned Additional Sessions Judge, Jagadhri vide order dated 14.12.2022. So far as the prayer of the learned counsel for the appellant that the amount of Rs. 50,000/- be reduced is concerned, there is no justification for the reduction in this regard. It is not the case of the appellant that he is unable to pay the aforesaid amount or that he is a poor person nor any document has been placed on record in this regard and therefore, there is no ground made out for reduction of the aforesaid amount. Consequently, the second prayer of the learned counsel for the appellant is also declined.

6. Consequently, the present appeal is dismissed.

19.07.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No