

CRA-S-2918-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2918-2019
Reserved on: 10.04.2023
Pronounced on: 27.04.2023

Rajinder Singh ...Appellant

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Bali, Advocate for the appellant.

Mr. I.P.S. Sabharwal, DAG, Punjab.

FIR No.	Dated	Police Station	Sections
116	04.11.2017	Chamkaur Sahib	21, 29 of NDPS Act and Section 14 of Foreigner Act

Criminal Case no. before trial Court	NDPS/88/16.07.2018
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1. Feeling aggrieved by the imposition of penalty of ₹80,000 on account of forfeiture of the surety bonds, that the appellant had furnished to stand surety for a foreign national, has come up before this court by filling the present appeal.
2. The appellant had stood surety for an accused who was a foreign national and was released on bail in an offence under NDPS Act while standing as a surety for the said foreign national, the appellant had assured of his production in the event of the accused not attending the trial. When the accused did not turn up to face trial, the appellant could not procure him and accordingly the trial court proceeded against the appellant under section 446 of CrPC, being the accused's surety. Since the appellant had bound himself for Rs 80,000/- as such the trial court imposed the penalty of Rs. 80,000/- Being dissatisfied, the surety had filed the present appeal before this court under section 449 of CrPC.
3. The appellant claims the impugned order to be illegal because it is not exactly in the language contemplated under section 446 CrPC. However, the appellant had fully understood the intent and did not show any prejudice caused to him because of the deficiency. Be that as it may, a perusal of the order does not show any defect and is

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legally valid and enforceable. Thus, there is no merits in the appeal, and it deserves dismissal.

4. The appellant's next prayer is reduction of fine because of poverty. The appellant did not attach any evidence in this regard. However, on the statement of the appellant's counsel made in court, the penalty is reduced to ₹70,000/- from the previous ₹80,000/-, subject to the condition that the penalty of ₹70,000/- shall be paid by May 31, 2023, if not already paid, failing which this order of reduction shall stand recalled automatically under section 362 read with 482 CrPC, without any further reference to this court.

5. The appeal stands disposed off in the above-mentioned terms. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.04.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.