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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-441-2020

Date of decision: 11.03.2024

Jeeto Bai

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Kumar, Advocate  
for the appellant.

Mr. Vikas Bhardwaj, AAG Haryana

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**HARPREET SINGH BRAR, J. (ORAL)**

1. The present appeal has been preferred against order dated 20.12.2019 passes by learned Judge, Special Court-cum-Additional Sessions Judge, Fatehabad whereby the application to withdraw the warrant of recovery against the petitioner was dismissed.
2. Learned counsel for the appellant submits that the appellant's son, namely, Satnam Singh, was involved in a case stemming from FIR, bearing no. 212 dated 27.04.2016 under the Narcotic Drugs and Psychotropic Substances Act, 1985. Satnam Singh has surrendered before the concerned Court on 04.11.2019 and released on bail on 25.11.2019. The appellant stood surety for his bail in the said case. However, Satnam Singh underwent a surgery Vadhawa Hospital due to which he could not appear before the concerned Court. Thereafter, bailable warrants were issued against the appellant but she did not appear despite service

and a penalty of Rs. 55,000/- under Section 446 of Cr.P.C. was imposed on her vide order dated 21.09.2019. Subsequently, warrants of recovery were issued against the appellant vide order 27.11.2019 by the learned Additional Sessions Judge, Fatehabad. The appellant filed an application before the learned Court below which was dismissed vide impugned order dated 20.12.2019. Learned counsel further avers that once the accused-Satnam Singh appeared before the Court, as such, the learned Court below erred in dismissing the application of the complainant for setting aside the warrant of recovery issued against the appellant.

3. Per contra, learned State counsel does not controvert the factual position, but contends that the learned Court below rightly appreciated the facts to dismiss the application of the appellant as Satnam Singh did in fact jump the bail to which the appellant stood surety.

4. Having heard learned counsel for the parties and after perusing the records of the case with their able assistance. The appellant, a 55 years old lady, stood surety for the accused being his mother. However, since the accused did jump the bail, albeit for medical reasons, without seeking prior permission of the concerned Court, the learned Court below was justified in passing the impugned order and initiating recovery proceedings against the appellant.

5. A similar issue was decided by the Hon'ble Supreme Court in *Mohammed Kunju v. State of Karnataka, 1999 (4) RCR (Criminal) 726* and this Court in *Bhagat Singh v. State of Haryana, 2018 (2) RCR (Criminal) 337*, *Mohinder Singh v. State of Punjab, 2008 (22) RCR (Criminal) 704*, *Angrej Singh v. State of Punjab, 2010 (4) RCR (Criminal) 580* and *Gopal Kaur v. State of Punjab, 2011 (6) RCR (Criminal) 1394*, wherein, the penalty imposed

under Section 446 of Cr.P.C. was reduced to 1/4<sup>th</sup> of the amount of surety bonds by holding that the said bonds were on the higher side.

6. Therefore, in view of the facts and circumstances of the case, the impugned order dated 20.12.2019 is upheld. However, this Court is of the considered opinion that ends of justice will be served if the penalty of Rs. 55,000/- imposed on the appellant is reduced to Rs. 15,000/-. If the said amount has not been recovered already, the appellant is directed to deposit the said amount with the concerned Court within four weeks of receiving a certified copy of this order.

7. Disposed of in the aforesaid terms.

**11.03.2024**

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**(HARPREET SINGH BRAR)**  
**JUDGE**

Whether speaking/reasoned: - Yes/No

Whether reportable: - Yes/No