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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-5197-2024 in/and
CRA-S-964-2022
Date of Decision:07.02.2024

Amarjit Singh

...Applicant/Appellant

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Nirmaljeet Singh Sidhu, Advocate
for the applicant-appellant.

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

N.S.Shekhawat J. (Oral)**CRM-5197-2024**

1. The applicant-appellant has moved the present application under Section 482 Cr.P.C. with a prayer to restore the main appeal to its original number.

2. Notice of the application.

3. On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of the respondent-State and he has no objection, in case the application is allowed.

4. For the reasons mentioned in the application, the application is allowed and the main case is ordered to be restored to its original position and the main case is also taken up for hearing today itself.

CRA-S-964-2022

1. The appellant has filed the present appeal against the impugned order dated 27.07.2021 passed by the Court of Special Judge, Fatehgarh Sahib, whereby, a penalty of Rs.1 lakh has been imposed on him.

2. Learned counsel for the appellant submits that in the present case, Shiv Chander Kumar, accused was arrested by the police and was ordered to be released on bail on 25.01.2016. However, during the pendency of the trial, the accused absented and vide order dated 31.08.2016, his bail was ordered to be cancelled and arrest warrants were ordered to be issued against him and at the same time, a notice under Section 446 Cr.P.C. was also issued to the present appellant. Ultimately, vide impugned order dated 27.07.2021, a penalty of Rs.1 lakh was imposed on the appellant being surety of Shiv Chander Kumar, accused. Learned counsel further submits that the appellant is a poor person and is only bread earner of the family and taking a lenient view of the matter, the amount of penalty may be reduced.

3. Notice of motion.

4. On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of the respondents-State and has opposed the prayer made by learned counsel for the appellant on the ground that the appellant had stood surety for a stranger as the accused stopped appearing before the trial Court on 31.08.2016. He further contends that now, the accused has been declared as a proclaimed offender in the present case. Thus, the appeal is liable to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the accused was granted the concession of bail vide order dated 25.01.2016 and immediately, thereafter, he stopped appearing before the trial Court and vide order dated 31.08.2016, his bail order was cancelled and bail bonds and surety bonds were ordered to be forfeited.

Further, as per record, the accused has also been declared to be a proclaimed offender in the present case. Thus, the appellant does not deserve any leniency and the impugned order is ordered to be upheld.

7. Finding no merits. The appeal is ordered to be dismissed.

07.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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