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the present petitioner. Thereafter, the accused-Ajay Pandey escaped from his trial and was declared as proclaimed offender, hence, notice was issued to the petitioner. Further, the petitioner appeared before the learned trial Court on 10.07.2024 and had undertaken to produce the accused on the next date but the learned trial Court has imposed a penalty of Rs.1,00,000/- upon the petitioner and the case was adjourned for 17.07.2024. He further contends that the petitioner is unemployed, has three minor children and resides in a rented accommodation. As such, he is unable to deposit the imposed the penalty of such an excessive amount. Learned counsel thus prays that the amount of Rs.1 lakh to be furnished as penalty may be reduced to some lesser amount.

Notice of motion.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and does not controvert the factual position, but contends that the learned Court below rightly imposed penalty in the sum of Rs.1,00,000/- as the petitioner had stood as surety for the accused, who is currently absconding.

Having heard learned counsel for the parties and after perusing the records of the case with their able assistance, it transpires that the petitioner is currently unemployed. He is residing in a rented accommodation and had three minor children. In view of the facts and circumstances of the case, this Court deems it fit to reduce the amount of Rs.1,00,000/- to be furnished as penalty.

A similar issue was decided by the Hon'ble Supreme Court in ***'Mohammed Kunju v. State of Karnataka' 1999 (4) RCR (Criminal) 726*** and



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this Court in '*Bhagat Singh v. State of Haryana*' 2018 (2) RCR (Criminal) 337, '*Mohinder Singh v. The 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 1/4th of the amount of surety bonds by holding that the said bonds to be on the higher side.

Recently, the Hon'ble Supreme Court in '*Ashok Sandeep Singh v. The State of Uttar Pradesh*' SLP (Crl.) No.3314 of 2024 decided on 15.03.2024, has held that the purpose of directing an accused, who has been released on bail, to furnish surety is to ensure that the accused is present to answer further proceedings as well as at the trial. Determining the amount of surety at an unreasonably high amount effectively defeats the very purpose of the granting bail and infringes upon the right to life and personal liberty of the accused, as enshrined under Article 21 of the Constitution of India. The Hon'ble Supreme Court, after considering the financial position of the accused and other facts, had deemed it proper to reduced the amount of surety bonds from Rs.10 lakh to Rs.25,000/-.

Therefore, in view of the discussion above, the impugned orders dated 10.07.2024(Annexures P-2) & 17.07.2024 (Annexure P-3) are upheld. However, this Court is of the considered opinion that ends of justice will be served if the amount of Rs.1,00,000/- ordered to be furnished by the petitioner as penalty under Section 446 Cr.P.C., as ordered by the learned trial Court, is reduced to Rs.20,000/-. The petitioner is directed to deposit the said amount before the trial Court within a month of receiving a certified copy of this order.



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In case, the petitioner fails to comply with the aforesaid direction within the stipulated period, the instant petition shall be deemed to be dismissed.

Disposed of, in the aforesaid terms.

(HARPREET SINGH BRAR)
JUDGE

08.08.2024

Neha

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