



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-2545-2019 (O&M)
Date of decision: 06.11.2024

Dhoop Singh

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashok K. Sharma, Advocate for the appellant.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

CRM-42163-2024

For the reasons stated in the application coupled with the no objection pleaded by the State counsel, the application is allowed and copy of the judgment of acquittal Annexure A-7 dated 04.09.2024 passed by the Court of Additional Sessions Judge, Jind is taken on record.

CRA-S-2545-2019

1. The instant appeal has been preferred against the impugned order dated 11.04.2019, passed by the Court of Additional Sessions Judge, Jind whereby the appellant who stood surety for accused Balwinder @ Binder, is directed to pay penalty of Rs.1 lac with further direction that the same be recovered as arrears of land revenue by the Collector concerned.

2. The brief facts of the case are that Balwinder @ Binder who was accused in a criminal case having FIR No.23 dated 21.02.2016 under Sections 147, 148, 149, 283, 186, 341, 332, 353, 307, 395, 397, 406, 427, 436 and 120-B IPC and under Section 25 of Arms Act and under Sections 3 and 4 of PDPP Act, Police Station Pillukhera (Uchana) and he was granted bail and appellant stood as his surety in sum of Rs.1 lac. Subsequently, Balwinder @ Binder jumped bail and absconded. Resultantly, notice under Section 446



Cr.P.C was served upon the appellant and he was imposed penalty of Rs.1 lac vide impugned order dated 11.04.2019.

3. The counsel for the appellant submits that the absence of Balwinder @ Binder before the trial Court was not intentional and subsequently, he surrendered and was taken into custody. On conclusion of the trial, Balwinder @ Binder was acquitted by the trial Court vide judgment Annexure A-7. That in the light of the said judgment of acquittal, now there is no ground to recover the amount of Rs.1 lac, as a penalty on the basis of order dated 11.04.2019 passed by the Court of Additional Sessions Judge, Jind.

4. On the other hand, the State counsel has submitted that the appellant stood surety for Balwinder @ Binder, who jumped bail and resultantly, penalty of Rs.1 lac was imposed on the appellant vide order dated 11.04.2019 by the learned trial Court, in accordance with law. However, the State counsel has not disputed the fact that subsequently, Balwinder @ Binder joined the proceedings in the trial and was acquitted vide judgment Annexure A-7.

5. I have considered the submissions made by counsel for the parties.

6. Undoubtedly, appellant stood as surety on behalf of Balwinder @ Binder in aforesaid criminal case. Earlier, the said accused jumped bail which resulted into passing of impugned order dated 11.04.2019. From the perusal of Annexure A-7, it is evident that subsequently, Balwinder @ Binder joined the proceedings in the trial Court and was taken into custody and on completion of trial, he was acquitted.

7. The object of the proceedings initiated by the trial Court under Section 446 Cr.P.C was to procure the presence of Balwinder @ Binder, so as to dispose of the criminal case having FIR No.23 dated 21.02.2016, at the earliest. It has come on the record that subsequently, Balwinder @ Binder was taken into custody and on termination of trial, he was acquitted vide judgment Annexure A-7. In the light of the aforesaid mitigating circumstance, penalty of Rs.1 lac imposed on appellant by the Court of Additional Sessions Judge, Jind requires to be reduced being excessive and

thus, deserves to be modified.

8. Taking into consideration, the peculiar facts and circumstances of the case, as are discussed above and to meet the ends of justice, it will be appropriate if aforesaid penalty is reduced to certain nominal amount.

9. For the foregoing reasons, the present petition is allowed to the extent that the amount of penalty to be deposited by the appellant is reduced to the nominal amount of Rs.5000/- in place of Rs.1 lac, as was directed by the Court of Additional Sessions Judge, Jind.

10. The present petition is disposed of in aforesaid terms with direction to the appellant to deposit aforesaid penalty of Rs.5000/- within a period of next 8 weeks from today, in the Court of Additional Sessions Judge concerned.

11. The present petition stands disposed of with aforesaid modification..

06.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**