



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

CRM-M No.49849 of 2024 (O&M)
Date of Decision: 25.10.2024

Dharampal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kartik Gupta, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab.

FIR No.	Dated	Police Station	Sections
19	09.05.2018	Garhdiwal, District Hoshiarpur	379-B, 411 and 34 IPC

Seeking quashing of impugned order dated 15.02.2023 passed by Additional Sessions Judge in proceedings under section 446 Cr.P.C. whereby surety amount of Rs.1,00,000/- has been imposed as penalty on the petitioner and to recover the said amount as arrears of land revenue on account of his failure to produce accused in the FIR captioned above, the petitioner who is surety, has come up before this Court under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. In compliance to order dated 19.10.2024 passed by this Court, counsel for petitioner has voluntarily deposited a sum of Rs.25,000/- towards PGI Poor Patients Welfare Funds to show his *bona fide* intention.

3. Notice served upon the official respondent through State counsel.

4. Counsel for the petitioner submits that the conduct of accused for whom the petitioner stands surety was good at that time when he gave surety for him. Now, petitioner is not aware of his whereabouts.

5. On the other hand, State opposes the reduction of the amount.



6. Given the entirety of facts and circumstance and the petitioner’s financial capacity and the fact that how sureties are allured to stand for the accused and without knowing the consequences, the present petition is **allowed partly** and the pending amount so imposed by the concerned court is reduced from Rs.1,00,000/- to Rs.25,000/- and the same be deposited by 30.11.2024 by 4.00 PM. If the amount is not deposited by 30.11.2024 then this order shall stand recalled automatically under section 362 Cr.P.C./ 403 BNSS, 2023. Pending application(s) if any, stand disposed of.

25.10.2024

Sonia Puri

(ANOOP CHITKARA)
JUDGE

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