



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

**CRA-S-3932-SB-2018
Date of decision: 03.04.2025**

LAKHWINDER SINGH

...APPELLANT

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajdeep Singh Chugh, Advocate for the appellant.
(through video conferencing)

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present appeal has been preferred against the impugned order dated 15.01.2018 passed by learned Additional Sessions Judge, Ludhiana in case titled as '*State vs. Amandeep Singh*', whereby surety amount of Rs.50,000/- has been imposed as penalty upon the appellant on failure to produce accused Amandeep Singh, in a case stemming from FIR No.67 dated 13.08.2012 registered under Sections 307/148/149/201 IPC and 25/27/54/59 of Arms Act at Police Station Dugri, Ludhiana.

2. Brief facts of the present case are that the appellant had furnished surety bonds for a sum of Rs.50,000/- for bail of accused-Amandeep Singh, however, accused-Amandeep Singh absented from the Court on 02.12.2017 and his bail bonds were cancelled and forfeited to the State. Thereafter, notices to accused as well as his surety i.e. appellant were issued and learned trial Court granted 09 days time to produce the accused. When the appellant could not produce the accused within the stipulated period, the learned trial Court imposed Rs.50,000/- as penalty upon the appellant under Section 446 of



Cr.P.C. and recovery proceedings were initiated against him. Hence, the appeal.

3. Learned counsel for the appellant *inter alia* contends that the surety bond furnished by the appellant has been wrongly forfeited by the learned trial Court, making him liable to pay Rs.50,000/-. He further contends that the learned trial Court granted very short time to the appellant to produce the accused-Amandeep Singh. He submits that if the trial Court would have granted some more time to the appellant for producing the accused, then there would be no need to impose penalty upon the appellant or to forfeit the bonds. He further submits that on 17.02.2018, the appellant had produced the accused before the learned trial Court and thereafter on 31.03.2018, the accused was again released on bail on furnishing the bail bonds in a sum of Rs.50,000/-. As such, the impugned order is liable to be set aside.

4. *Per contra*, learned State counsel opposes the prayer made by the appellant on the ground that the appellant stood surety of accused-Amandeep Singh, as such, it is the duty of the appellant to produce the accused in the Court. Thus, the learned trial Court has rightly passed the impugned order and imposed the penalty of Rs.50,000/- upon the appellant and he does not deserve any leniency.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the accused in the FIR (*supra*) has already been arrested and has been granted the concession of regular bail. Further, the appellant stood surety of the accused and has produced him before the learned trial Court on 17.02.2018.



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. 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 were on the higher side.

6. The appellant had no knowledge that the convict would not surrender on time and there are no allegations of collusion between the appellant and the accused with regard to the accused not surrendering before the trial Court.

7. Keeping in view the facts and circumstances of the case, this Court is of the opinion that the interest of justice would be served in allowing the present appeal. Resultantly, the impugned order dated 15.01.2018 passed by learned Additional Sessions Judge, Ludhiana is hereby quashed.

8. The penalty imposed upon the appellant is reduced to Rs.12,500/- from Rs.50,000/- If the said amount of Rs.12,500/- has not been deposited or recovered from the appellant so far, he is directed to deposit the same with the trial Court, within a period of 03 months from today, failing which, this appeal would automatically stand dismissed without any further orders.

9. Disposed of, in the aforesaid terms.

(HARPREET SINGH BRAR)
JUDGE

April 03, 2025
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- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No