



CRM-M-25033-2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

126

CRM-M-25033-2025 (O&M)
Date of Decision: 17.12.2025

Atma Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None.

AMAN CHAUDHARY, J. (Oral)

1. In view of the request letter circulated by Bar Association, the lawyers are abstaining from work.
2. The present petition has been filed under Section 528 of BNSS for quashing the impugned order dated 06.04.2024, Annexure P-4, whereby the petitioner was directed to pay bond amount being surety in lieu of surety bond furnished by him for accused Bagicha Singh in case FIR No. 309 dated 17.06.2022, under Section 21(b) of NDPS Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad.
3. As is apparent from the petition, accused Bagicha Singh, for whom the petitioner had stood surety, did not appear on 23.08.2024 and accordingly his bail was cancelled and bonds forfeited to the State vide order dated 23.08.2024. The amount of surety bonds was imposed as penalty on the



CRM-M-25033-2025 (O&M) 2

petitioner under Section 446 Cr.P.C. However, it is apparent from para 7 of the petition that he was suffering from various ailments due to old age, however made his best efforts to secure the presence of the said accused and finally succeeded, as Bagicha Singh appeared and surrendered on 26.03.2025 and was taken into custody. The petitioner has no source of income and is not in a capacity to pay penalty amount and has clean antecedents. In this regard, reference is made to the order passed by this Court in **Ramesh vs. State of Haryana and Another**, CRA-S-751-2022, decided on 05.05.2022, wherein the amount of surety from Rs.1,00,000/- was reduced to Rs.10,000/-, operative part whereof reads thus:

“Notice of motion.

Learned State counsel accepts notice and submit that the lower Appellate Court has rightly directed the appellant to deposit the entire surety amount of Rs.1,00,000/- in each case.

In reply, the counsel for the appellant has submitted that the appellant is a poor person and is not in a position to pay the entire amount of Rs.1,00,000/- each in the four similar appeals and if the amount is reduced he can pay the amount within a period of two months from today.

After hearing the counsel for the parties and considering the fact that Devender Singh for whom the appellant has stood surety has already appeared before the lower Appellate Court. It is also a fact that there are four appeals and the appellant has stood surety for him in all the four appeals for Rs.1,00,000/- each and the absence of Devender Singh was beyond the control of the appellant. Therefore, without any further delay in the disposal of the present appeal, the same is partly allowed and the penalty of an amount of Rs.1,00,000/- imposed by the trial Court upon the appellant vide impugned order dated 3.2.2022 is reduced to Rs.10,000/-, which will be paid by the appellant.



CRM-M-25033-2025 (O&M) 3

The penalty amount of Rs.10,000/- will be deposited with the lower Appellate Court within a period of two months from today.

However, it is made clear that if the amount of penalty is not deposited on or before 5.7.2022, the present appeal shall be deemed to be dismissed without any further orders.”

4. There is no allegation of connivance between the petitioner and the accused Bagicha Singh nor that he had instigated or helped the accused, in any manner, not to appear. It is also not the case set up that he had a whiff that the accused shall make a default in appearing or jump the bail, this Court, thus, finds in the overall facts and circumstances of the present case that the penalty amount deserves to be reduced.

5. In view of the above, the petition is partly allowed and the amount of penalty of Rs.1,00,000/- imposed upon the petitioner vide the impugned order is reduced to Rs. 20,000/-.

(AMAN CHAUDHARY)
JUDGE

December 17, 2025

dinesh

Whether speaking

: Yes/No

Whether reportable

: Yes/No