



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

(138)

**CRA-S-3585-2025(O&M)
DATE OF DECISION: 20.11.2025**

Rakesh

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Mohan Singh Rana, Advocate, for the appellant.

Mr. Karan Veer Singh, Sr.DAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Present appeal has been filed against the impugned order dated 03.09.2025, passed by learned Additional Sessions Judge, Jind, whereby the appellant is directed to pay penalty of Rs.1,00,000/- (total amount of surety bond) under Section 446 Cr.P.C (now 491 BNSS).

2. Brief facts for disposal of present appeal are that the appellant was surety of Juvenile in conflict with law Sxxxxx, trial against whom is pending and during trial he was granted the benefit of bail vide order dated 27.01.2023. The appellant is uncle of the Juvenile in conflict with law Sxxxxx, who could not appear before the Court and warrant of apprehension were issued against Juvenile in conflict with law Sxxxxx and notice was also issued to the appellant. Vide order dated 25.03.2025, due to absence of Juvenile in conflict with law Sxxxxx, his bail was cancelled and bonds were ordered to be forfeited to the State by the learned trial Court vide order dated 25.03.2025 for 22.04.2025. On 16.07.2025 appellant appeared and

sought time to produce the above said Juvenile in conflict with law Sxxxxx



on 03.09.2025, on which date, due to absence of appellant Court of learned Additional Sessions Judge, Jind ordered to pay a penalty of Rs.1,00,000/- after considering the facts and circumstances of the case as per the provisions of Section 446 of the Cr.P.C, hence the present petition.

3. Learned counsel further contended that though show cause notice was issued, no sufficient time was given to the appellant to exhaust the benefit under Section 446(3) Cr.P.C. He further submitted that the learned Additional Sessions Judge without properly appreciating the circumstances and without recording any finding as to the deliberate default or negligence on the part of the appellant has passed the impugned order imposing the full surety amount of Rs.1,00,000/-.

4. Notice of motion.

5. Mr. Karan Veer Singh, Sr.DAG, Haryana, who is present in Court, accepts notice and contended that the appellant was surety of Juvenile in conflict with law Sxxxx and failed to produce him in court and hence bail of Juvenile in conflict with law was cancelled and notice to appellant was also issued and duly served and after providing him opportunity of hearing imposed the penalty as per law.

6. Heard.

7. After hearing the learned counsel for the parties, this Court is of the view that there is no illegality or perversity in the order passed by learned Additional Sessions Judge, Jind for imposing penalty of Rs.1,00,000/- under Section 446 Cr.P.C dated 03.09.2025. As proper opportunity was provided to appellant but he failed to appear on date fixed.

8. Dismissed.

20.11.2025
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No