

CRA-S-157-2019

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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JUDGMENT RESERVED ON	JUDGMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	Uploaded on
15.01.2026	05.02.2026	FULL PRO- NOUNCED	05.02.2026

Ram Chander

... Appellant

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Yash Dev Kaushik, Advocate for the appellant.

Mr. Shiva Khurmi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
328	10.11.2014	SGM Nagar, Faridabad	379-A IPC

Criminal Case number before the Sessions Court	Cr. Misc.3/01/7/16
Date of Decision	31.10.2018
Names of surety/ convicts/ appellants	Ram Chander
Conviction under section	446 CrPC
Sentence imposed	SI for 06 months

1. The appellant, who was surety of accused in the case FIR captioned above, on his failure to produce the accused, as such penalty of Rs.one lac was imposed upon him and due to non-payment of penalty amount, he was sentence to undergo simple imprisonment for 06 months vide order dated 31.10.2018 passed by the Additional Sessions Judge, Faridabad, has come up before this Court by filing the present appeal.
2. The counsel for the appellant submits that he was unable to produce the accused in the Court, therefore penalty was imposed upon him and in default of payment of fine,

CRA-S-157-2019

he was sentenced to undergo imprisonment for six months. Counsel for the appellant further submits that appellant has no money to deposit, the Court should consider this aspect. The trial Court exercise its maximum power to sentence the appellant in default of payment. Further appellant himself admitted his failure in non-production of accused. Counsel further submits that he would be contented and satisfied if the sentence is reduced to the period already undergone by him, which is 2 months and 22 days as per custody certificate dated 13.02.2025, out of six months of simple imprisonment.

3. Normally this Court has to assess the merits of the case, but in the present case, the conviction is because of the non-production of surety/accused, who had absconded and for which the appellant, who had stood as surety for Rs. 1,00,000/- which he could not deposit, was convicted. If he would have been rich, he would have certainly deposited Rs. 1,00,000/- instead of curtailing his liberty by staying in jail. This fact itself shows that appellant was befooled to stand as a surety.

4. There is a general trend that people stand as surety without being aware of the consequences of not producing the accused. Despite that, now the mobile numbers are a necessity as mobile numbers are linked with Aadhar cards and the location. Mobile phones can certainly be tracked and with that technological help, any absconder can easily be nabbed. In a new era, asking for surety will become an outdated process. However it is for the legislature to take a decision and this Court is not commenting any further.

5. In the present case, the trial Court imposed the maximum sentence of six months as provided in Section 446(2) CrPC which is itself on higher side.

6. With the aforesaid observation, the present appeal is partly allowed to the extent that the sentence is reduced to the period already undergone. Bail bonds and surety bonds are discharged. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

05.02.2026

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Whether speaking/reasoned: Yes

Whether reportable: No