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

**CRA-S-2092-2025 (O&M)**

**Date of decision: 08.07.2025**

**Jasvir Kaur @ Jasbir Kaur**

**... Appellant**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Ms. Pooja Chhabra, Advocate for  
Mr. Tajender Singh, Advocate  
for the appellant.

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**HARPREET SINGH BRAR, J.**

**CRM-25577-2025**

1. This application has been filed under Section 5 of the Limitation Act, 1963 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for condonation of delay of 511 days in filing the appeal.

2. In view of the averments made in the application, same is allowed and delay of 511 days in filing the appeal is condoned.



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3. Present appeal has been filed against the order dated 12.12.2023 passed by learned Sessions Judge, Faridkot, vide which surety amount of Rs.1.00 lakh was forfeited and the same was imposed as penalty upon the appellant and recovery warrants under Section 421 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') (*now Section 461 of BNSS*) were ordered to be issued.

4. Brief facts of the present case are that the appellant stood surety for accused Pinka Singh, who was facing trial in FIR No.201 dated 12.12.2020 registered under Sections 399, 402, 411 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25/54/59 of Arms Act, at Police Station Jaitu and had furnished surety bonds for a sum of Rs.1,00,000/-, however, accused Pinka Singh absented himself from the Court proceedings. Therefore, vide impugned order dated 12.12.2023 passed by learned Sessions Judge Faridkot, surety amount of Rs.1.00 lakh furnished by the appellant was forfeited to the State and residential house of the appellant was ordered to be attached/auctioned. However, said accused was acquitted of the charges framed against him. Feeling aggrieved against the impugned order, the appellant has approached this Court by way of filing the present appeal.

5. Learned counsel for the appellant, *inter alia*, contends that the surety bond furnished by the appellant has been wrongly forfeited by learned



trial Court, making her liable to pay Rs.1.00 lakh. He further contends that the appellant was not given proper opportunity to explain her position for non-appearance pursuant to the notice issued under Section 446 of Cr.P.C. (*now Section 491 of BNSS*). He further submits that as per Section 491(3) of BNSS, 2023, it is within the discretion of the Court to grant remission and to decide the extent of remission. It is further submitted that the appellant belongs to a marginal section of the society and she has only one residential house, which is ordered to be attached/auctioned and has no means to pay the amount as imposed by learned Sessions Judge, Faridkot vide impugned order. Further, the appellant was not aware of whereabouts of accused Pinka Singh, as such, she cannot be held liable in any manner.

6. Notice of motion.

7. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent-State and opposes the prayer made by the appellant on the ground that the appellant stood surety of accused Pinka Singh, as such, it is duty of the appellant to produce the accused in the Court. As such, learned trial Court has rightly passed the impugned order imposing the penalty of Rs.1,00,000/- upon the appellant.

8. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that due to her financial position, the appellant is unable to pay the penalty amount of Rs.1.00



lakh. Further, accused Pinka Singh has already been acquitted of the charges framed against him.

9. A similar issue was decided by the Hon'ble Supreme Court in *Mohammed Kunju Vs. State of Karnataka, 1999 (4) RCR (Criminal) 726* and this Court in *Bhagat Singh Vs. State of Haryana, 2018 (2) RCR (Criminal) 337*, *Mohinder Singh Vs. The State of Punjab, 2008 (22) RCR (Criminal) 704*, *Angrej Singh Vs. State of Punjab, 2010 (4) RCR (Criminal) 580* and *Gopal Kaur Vs. 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.

10. 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 learned trial Court.

12. Keeping in view the facts and circumstances of the case, this Court is of the opinion that interest of justice would be served in allowing the present appeal. Resultantly, the impugned order dated 12.12.2023 passed by learned Sessions Judge, Faridkot is hereby quashed.

13. The penalty imposed upon the appellant is reduced to Rs.20,000/- from Rs.1,00,000/-. If the said amount of Rs.20,000/- has not been deposited or recovered from the appellant so far, she is directed to deposit the same with



learned trial Court, within a period of 03 months from today, failing which, this appeal would automatically stand dismissed without any further orders.

14. With the aforesaid observations made and directions issued, present appeal stands disposed of.

15. All the pending miscellaneous application(s), if any, shall also be disposed of.

08.07.2025  
*vishnu*

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No