



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

**CRM-M-16261-2025
DECIDED ON: 25.03.2025**

BALWANT AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Vashisth, Advocate and
Mr. Sunil Bhardwaj, Advocate
for the petitioners

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

This is a petition under section 528 of B.N.S.S. praying for setting aside the Impugned order dated 04.09.2024, (Annexure P-4), whereby petitioners was ordered to pay penalty of Rs. 50,000/- being surety in lieu of surety bond furnished by him for Accused namely Aman in F.I.R. no. 129 dated 12.04.2022 under section 395, 397 of IPC and Section 25 of Arms Act, 1959 (during investigation sections 395, 397 of IPC and Section 25 of Arms Act, 1959 were deleted and section 148, 149, 323, 325, 427, 459, 506 & 120-B of IPC were added), registered at Police Station Sadar Narwana, District Jind (Annexure P-1).

Learned counsel for the petitioners submits that the petitioners are far relative of the alleged accused Aman and under the family influence, they were asked to appear before the Ld. Court for furnishing the surety and

petitioners had appeared and furnished the said surety before Ld. Illaqa/Duty Magistrate as per the order dated 18.11.2022 to the tune of Rs.50,000/-. Subsequently, the accused Aman failed to appear on 24.07.2024, resulting in the cancellation of his bail, forfeiture of his bonds to the State, and the issuance of a notice to the petitioners, who acted as sureties. Further, the Trial Court, by its impugned order dated 04.09.2024, issued a recovery warrant under Section 421 of the Code of Criminal Procedure (Cr.P.C.) against the petitioners, directing recovery of the surety amount from the movable and immovable assets of the petitioners.

Learned counsel for the petitioners further submits that the petitioners are agriculturist and dependent upon the agriculture land for their livelihood and they have attached the documents of their agriculture land before the trial Court, as they have no other source of income at present to pay for the amount as ordered by the trial Court vide impugned order dated 04.09.2024 (Annexure P-4).

A similar issue was decided by the Hon'ble Supreme Court in ***'Mohammed Kunju Vs. State of Karnataka' 1999 (4) R.C.R. (Criminal) 726 and : this Court in 'Bhagat Singh Vs. State of Haryana' 2018 (2) R.C.R. (Criminal) 337, 'Mohinder Singh Vs. The State of Punjab' 2008 (22) R.C.R. (Criminal) 704, 'Angrej Singh Vs. State of Punjab' 2010 (4) R.C.R. (Criminal) 580 and 'Gopal Kaur Vs. State of Punjab' 2011 (6) R.C.R. (Criminal) 1394***, wherein, the penalty imposed under Section 446 of Cr.P.C. was reduced to 1/4th of the amount of surety bonds being on the higher side.

The accused, namely, Aman had surrendered before the trial Court and subsequently was granted bail by the learned Sessions Judge, Jind. The petitioners are far relative of the accused and under the influence of

family, they were asked to appear before the learned Court below to furnish surety for the accused-Aman. The petitioners had no knowledge that the accused would not appear before the trial Court and there is no allegation of connivance of the petitioner with the accused in not putting in appearance.

Keeping in view the facts and circumstances of the case, this Court is of the opinion that petitioners are having no other source of income except the agriculture land and they have already furnished the documents of this land as surety with the Court below, the present petition is allowed

The amount of penalty i.e., 50,000/- as was ordered by the trial Court vide order dated 04.09.2024 (Annexure P-4) is reduced to Rs.25,000/-, which shall be furnished within a period of one week from today before the Competent Court of jurisdiction.

(SANDEEP MOUDGIL)
JUDGE

25.03.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*