



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

203

CRA-S-1911-2024 (O&M)
Date of decision: 02.04.2026

Kulwant Kaur

...appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Kumar, Advocate for the appellant

Mr. Jasjit Singh, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present petition is to the orders dated 09.02.2024 and 12.03.2024 passed by learned Additional Sessions Judge-I, Kapurthala whereby the petitioner was ordered to pay penalty of Rs.50,000/- being surety furnished in lieu of accused-Harbinder Kaur, which stands stayed by this Court on 15.05.2024.

2. Learned counsel submits that the petitioner stood surety by furnishing bonds for an amount of Rs.50,000/- for accused-Harbinder Kaur, who was enlarged on bail in case FIR No.160 dated 30.06.2019 under Section 306 IPC, registered at Police Station City, District Kapurthala and absented on a single date, following which her bail was cancelled and surety was ordered to be forfeited. Thereafter, in compliance to the order dated 18.03.2024 passed in CRM-M-13988-2024 filed by her, she had appeared and surrendered before the learned trial Court. 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 of Rs.1,00,000/- was reduced to Rs.10,000/-, operative part whereof read 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.

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.”

3. Learned State counsel submits that the Court concerned has rightly directed the petitioner to deposit the entire surety amount of Rs.50,000/-, to which, her learned counsel submits that the said accused has already been released on bail, as also the petitioner is not in a position to pay the said amount and prays for it to be reduced, by taking a lenient view and he undertakes to pay the same within a period of two months from today.

4. There appears to be no allegation of connivance between the petitioner and accused, nor that he had instigated or helped her, in any manner.



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 afore-mentioned judgment and the peculiar facts and circumstances of the case, the present petition is partly accepted, the amount of penalty of Rs.50,000/- imposed upon the petitioner vide the impugned order, is reduced to Rs.10,000/-.

6. Disposed of.

(AMAN CHAUDHARY)
JUDGE

02.04.2026
M.Kamra

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No