

Present: Shri Gurpal Singh, Additional Public Prosecutor for the State.

Warrant of arrest issued against surety is not received back.

A perusal of the record reveals that respondent/surety Avjinder Singh stood surety on behalf of accused Hira Lal son of Jit Lal resident of House No.34, Ekta Colony Nagar Chogitti, Jalandhar and furnished surety bonds to the tune of ₹50,000/- on 29.10.2015 for getting the said accused released on bail in case FIR no.97 dated 13.04.2013 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, Police Station Navi Baradari, Jalandhar.

Notice under Section 446 of Code of Criminal Procedure issued against respondent/surety Avjinder Singh for 04.07.2016 was received back duly executed but despite service, he had not appeared and vide order dated 04.07.2016, penalty of ₹50,000/- was imposed upon him. Recovery warrant issued against him under Section 421 (b) of Code of Criminal Procedure to the Collector was received back with the report that the property of surety Avjinder Singh has already been attached in another case by the order of the Court of Sh. Vinod Kumar Goyal, the then Judge, Special Court, Jalandhar. As such, from the attending facts and circumstances of the case, it seems that the instant proceedings cannot be satisfied except by way of imposing imprisonment in civil Jail upon

respondent/surety Avjinder Singh. Accordingly, respondent/surety Avjinder Singh is ordered to undergo imprisonment in Civil Jail for a period of one month in lieu of penalty of ₹50,000/- imposed upon him under section 446 (2) of Code of Criminal Procedure. A copy of this order be sent to the Chief Judicial Magistrate, Jalandhar with direction to procure the presence of respondent/surety Avjinder Singh son of Gurdev Singh, resident of Village Arjanwal, Post Office Adampur, Jalandhar and sent him in jail along with warrant of imprisonment to undergo the imprisonment in Civil Jail. As such, proceedings under Section 446 Cr.P.C. initiated against respondent/surety Avjinder Singh is disposed of. After due compliance, file be consigned to the Record Room.

Date of Order:30.04.2018

manjit singh stenographer

(Sham Lal)
Judge, Special Court,
Jalandhar
UID No.PB0123