

**CRA-S-3802-SB of 2014(O&M)**

1

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

**CRA-S-3802-SB of 2014(O&M).  
Date of Decision: 04.08.2015.**

Kashmir Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Dhirinder Chopra, Advocate for the petitioner.

Mr. T.N. Sarup, Additional Advocate General, Punjab.

\*\*\*

**Paramjeet Singh, J. (Oral)**

**CRM No. 28641 of 2014**

Having heard learned counsel for the parties and in view of the averments as mentioned in the application, delay of 166 days in filing the appeal is condoned.

Application stands disposed of.

**CRA-S-3802-SB of 2014**

The present appeal has been filed for setting-aside the order

dated 21.01.2013 (Annexure A-1) passed by the learned Judge, Special Court, Patiala.

It is contended that by the impugned order, surety bonds have been forfeited to State without effecting any service upon the appellant. As a consequence of order dated 21.01.2013 (Annexure A-1), another order dated 08.01.2014 (Annexure R-1) had been passed for effecting recovery of the surety amount by issuance of recovery warrants against the appellant.

Per contra, learned State counsel, vehemently, defended the orders dated 21.01.2013 (Annexure A-1) and 08.01.2014 (Annexure R-1) and contended that these orders have been validly and legally passed by the concerned Court.

I have considered the contentions raised by the learned counsel for the parties.

Admittedly, the order dated 21.01.2013 (Annexure A-1) has been passed by the learned Special Judge, Patiala without effecting service upon the appellant, who had stood surety for the accused in the case. Even the perusal of the impugned order reveals that non-bailable warrants issued against accused Charanjit Singh and notice issued to his surety were received back unexecuted. Meaning thereby, there was no proper service upon the surety and without affording proper opportunity of hearing and effecting service upon the appellant, impugned order

dated 21.01.2013 (Annexure A-1) has been passed. As such the same is against the principles of natural justice and as such is not sustainable. Accordingly, the same is set-aside.

Since the main order dated 21.01.2013 (Annexure A-1) has been set-aside, the subsequent order dated 08.01.2014 (Annexure R-1) is not sustainable and accordingly, the same is also set-aside.

However, the trial Court shall proceed in accordance with law and the appellant shall not raise any objection that he has not been served with any notice. However, liberty is granted to the appellant to file appropriate reply.

Disposed of.

**August 04, 2015.**  
*kanchan*

**(PARAMJEET SINGH)**  
**JUDGE**