

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

**CRM-28171-2016 in/and
CRR-3237-2016 (O&M)
Date of Decision: 22.12.2016**

Sube Singh and another

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Shilak Ram Hooda, Advocate for the petitioners.
Mr. B.S. Virk, DAG, Haryana.

...

SUDIP AHLUWALIA, J

CRM-28171-2016

The applicants had stood sureties for accused Krishan s/o Satkar in the concerned trial held in the Court of learned Additional Sessions Judge, Bhiwani under Electricity Act, 2003. The accused absented himself from the proceedings on 29.04.2014 and the learned trial Judge was pleased to direct forfeiture of the bail bonds and surety bonds submitted by the applicants apart from issuing arrest warrant to compel production of the absentee accused. The applicants submitted that no advance notice was served upon them and they came to know about the impugned order only after receiving a subsequent intimation from the Tehsildar on 25.07.2016. As such, they had no occasion to challenge the order before that date. The ground for delay in the circumstances does appear to be cogent. The application for condonation of 771 days delay is, therefore, allowed.

CRM-M-9220-2016 (O&M)

It has already been noted earlier that no advance notice was issued on the petitioners before forfeiture of their bail and surety bonds to the State. This is not in consonance with the decision of Coordinate Bench of this Court in “Har Kishan Lal Chopra Vs. State of Punjab”, CRR No.45 of 1995 decided on 24.03.1995 wherein it was held that an order forfeiting bail bonds and surety bonds without issuing notice to the accused is liable to be set aside.

Even otherwise, it transpires that the absentee accused was apprehended and produced before the trial Court on the very next date after passing of the impugned order. He was subsequently acquitted in the case along with other accused persons by the judgment of the learned Additional Sessions Judge, Bhiwani passed on 05.09.2014 (Annexure P-3).

In the given circumstances, this is clearly a fit case warranting intervention by this Court.

The impugned order dated 29.04.2014 directing forfeiture of the bail and surety bonds to the State by the learned trial Court is, therefore, set aside, and in view of the subsequent acquittal of the accused, the liability of the present petitioners, if any, accordingly stands discharged.

This petition thus stands disposed of .

December 22, 2016
jasmine

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
No