

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

CRM-M-10965-2021

Date of decision : 18.03.2021

Daler Singh and another

.... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. R.S. Bajwa, Advocate
for the petitioners.

AMOL RATTAN SINGH, J (ORAL)

By this petition, the petitioners seek quashing of the order dated 09.02.2021 whereby the application under Section 444 Cr.P.C. for discharging of surety bonds furnished by petitioners for the purpose of granting bail to the accused, Pargat Singh, in FIR No.56 dated 05.02.2019, (registered at Police Station Safidon for the alleged commission of offences punishable under the provisions of Sections 148, 506(ii), 307 and 149 of the IPC and Sections 25, 54 and 59 of Arms Act and Section 3(2)(v) of SC/ST Act), has been dismissed.

Learned counsel for the petitioners submits that once the accused (Pargat Singh) was willing to furnish fresh bail bonds and provide fresh sureties, there would be reason for the petitioners to not be discharged as such sureties, with it not being the case that the accused had jumped bail, with him in fact having been present even on the date that the impugned order was passed.

Notice of motion.

On the asking of the court, Mr. Dhruv Sheoran, learned DAG,

Haryana, accepts notice on behalf of the respondent-State.

Section 444 of the Cr.P.C. reads as follows:-

“444. Discharge of sureties

(1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to jail.”

Consequently, in view of the above, the petition is allowed, with the impugned order set aside, subject to the accused surrendering before the trial court within 15 days from today and on that very date furnishing fresh bail bonds and sureties to the satisfaction of that court (commensurate with the sureties furnished by the present petitioners). Upon him so doing, the petitioners will be discharged from standing as sureties for the said accused, Pargat Singh, in the context of the FIR in question.

Obviously, till such time that the fresh bail bonds and sureties are actually furnished by the accused, the petitioners shall not stand discharged.

The petition is allowed in the aforesaid terms.

(AMOL RATTAN SINGH)
JUDGE

18.03.2021

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DINESH KUMAR
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I attest to the accuracy and
integrity of this document

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No