

**CRM-M-13445-2021(O&M)**

**[1]**

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

**Criminal Misc. No.M-13445 of 2021 (O&M)**

**Date of Decision: March 26, 2021**

Roshan Singh @ Rocky

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr. Kanwaljeet Singh Brar, Advocate  
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

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**HARINDER SINGH SIDHU, J.**

Roshan Singh @ Rocky – petitioner has filed this petition under Section 482 Cr.P.C for setting aside the order dated 24.12.2020 (Annexure P/2) of the Ld. Sessions Judge, Sirsa, whereby, he has been granted bail to the extent that he has been directed to deposit the forfeited amount of personal bond and surety bonds amounting to Rs.50,000/-, each, and also directed to furnish personal bonds in the sum of Rs.1,00,000/- with two sureties in the like amount, each.

Vide the said order, the petitioner has been allowed regular bail in case FIR No.0249 dated 05.09.2016 under Section 379A IPC, Police Station Kalanwali, District Sirsa.

The FIR was registered against unknown persons. The petitioner was arrested during investigation. The petitioner was initially granted bail in this case. Thereafter, the petitioner was appearing regularly

before the Trial Court. However, he failed to appear before the Ld. Court on 30.05.2018. Thereafter, his bail bonds were cancelled, amount of personal bond and surety bond, Rs.50,000/- each, was ordered to be forfeited. Non-bailable warrants were issued against him. He was also declared as a Proclaimed Offender.

Ld. Counsel states that the petitioner is also an accused in other FIRs i.e. FIR No.87 dated 06.10.2017 under Sections 392, 397, 457, 201 IPC registered at Police Station Rori, District Sirsa and FIR No.93 dated 06.10.2017 under Sections 392, 397 IPC and Section 25 of Arms Act registered at Police Station Rori, District Sirsa. Therefore, he could not appear in the present case before the Ld. Trial Court and was declared Proclaimed Offender.

Vide order dated 24.12.2020 the petitioner has been granted regular bail by the Ld. Sessions Judge, Sirsa, wherein, condition was also imposed that the petitioner will deposit the forfeited amount of personal bond and surety bonds amounting to Rs.50,000/-, each, and further he was directed to furnish personal bonds in the sum of Rs.1,00,000/- with two sureties in the like amount, each.

Ld. Counsel for the petitioner has contended that the petitioner belongs to a poor family. He is not in a position to arrange the huge amount as directed in the impugned order and hence has not been able to avail the benefit of the order and is still languishing in jail.

Ld. Counsel appearing for the State has pointed out that against the order of the forfeiture of the bonds the petitioner has a remedy of appeal under Section 449 of the Code of Criminal Procedure. Accordingly, the Ld.

Counsel for the petitioner states that he would challenge the order of the forfeiture of the bonds as per the provisions of Section 449 of the CrPC.

Considering the totality of the facts and circumstances of the case, the petitioner may furnish personal bond in the sum of Rs.20,000/- (Twenty thousand only) with two sureties in the like amount, each. The order dated 24.12.2020 is modified to that extent. The petitioner however would have liberty to assail the order of forfeiture of the bonds as per Section 449 of the CrPC.

This petition is disposed of accordingly.

**March 26, 2021**

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**(HARINDER SINGH SIDHU)  
JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |