

CRM-M-13393-2021(O&M)

[1]

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

Criminal Misc. No.M-13393 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 27.01.2021 (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.50,000/- with two sound sureties in the like amount, each.

Vide the said order, the petitioner has been allowed regular bail in case FIR No.88 dated 06.10.2017 under Sections 392, 397 and 457 of Indian Penal Code, 1860 (Section 201 IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Rori, District Sirsa.

The FIR was registered against unknown persons. The petitioner was arrested during investigation. The petitioner was initially

granted bail in the said case and was thereafter appearing regularly before the Trial Court. But he failed to appear before the Court on 06.08.2018 because of which 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. Later he was declared as a Proclaimed Offender.

It is stated 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. Hence, he could not appear in the present case before the Ld. Trial Court and was declared Proclaimed Offender.

Thereafter, vide order dated 27.01.2021 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.50,000/- with two sound sureties in the like amount each.

Ld. Counsel for the petitioner has contended that the petitioner belongs to a poor family and is not in a position to arrange the huge amount as directed in the impugned order. He 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, 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 bonds in the sum of Rs.20,000/- (twenty thousand only) with two sureties in the like amount, each. The order dated 27.01.2021 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**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No