

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

CRM-M-44134-2021

Date of Decision:21.12.2021

Sewa Ram

...Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Chander Pal Tiwana, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks quashing of the impugned orders dated 13.09.2021 and 17.09.2021 (Annexure P-2 and P-4 respectively), passed by the learned Addl. Sessions Judge, Kurukshetra vide which the amount of surety bonds of Rs.1 lakh furnished by him, has been ordered to be forfeited.

The reply filed on behalf of the respondent State, dated 13.12.2021, is ordered to be taken on record.

Learned counsel for the petitioner points to the order passed by the learned trial court on 17.09.2021 (copy Annexure P-4), to submit that though initially the accused for whom the petitioner stood surety (Rakesh alias Tota), had jumped bail, he was infact produced by the petitioner before the trial court on 17.09.2021, with the said accused having been taken into custody on the direction of that court; and consequently, with the petitioner having duly discharged his duty of producing the accused in court, there would be no

reason to therefore to forfeit the bonds furnished by him at the time that he stood surety for the said accused.

In the reply filed on behalf of the respondent State, it has been stated on the other hand that other than the fact that the accused in question had jumped bail, even the petitioner did not appear before the trial court after having received notice to so appear on 13.09.2021; and therefore, the order of the trial court, directing that the bonds furnished by him be forfeited, does not require to be interfered with.

Having considered the matter, though the petitioner definitely should have appeared before the trial court on 13.09.2021 itself as he was directed to after the accused in question had jumped bail, yet, the petitioner having appeared before the trial court within 4 days thereafter and having produced the accused for whom he had stood surety, the petition is allowed, with the impugned orders, passed by the trial court, to the extent that the bonds furnished by the petitioner in the sum of Rs.1 lakh by way of surety have been ordered to be forfeited, set aside.

As regards the petitioner not wishing to continue to stand surety for the aforesaid accused an appropriate order would be passed by the trial court on that aspect of the petition/application dated 17.09.2021 (copy Annexure P-3).

December 21, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO