

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

246

CRM-M-57454-2022 (O&M)

Date of Decision: 22.12.2022

Shyam Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Nitin Jain, Advocate
Mr. Harish Bhatti, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

Through the instant petition filed under Section 482 Cr.P.C., the petitioner is seeking quashing of order dated 15.03.2022 passed by Session Judge, Karnal, whereby Appellate Court has ordered to initiate recovery proceeding against the petitioner, who stood surety for Pawan Kumar in CRA No.82 of 2020.

Learned counsel for the petitioner, inter alia, submits that Pawan Kumar, who was convicted by trial Court for commission of an offence under Section 138 of Negotiable Instruments Act, vide judgment dated 30.11.2019, preferred an appeal before Sessions Court, Karnal. Pawan Kumar, vide order dated 12.02.2020, was released on bail subject to furnishing of personal bond of Rs.1 Lac with one surety and payment of 20% of compensation awarded by the trial Court. The petitioner stood surety for him, however, Pawan Kumar failed to deposit 20% of compensation awarded within prescribed period. The Appellate Court, vide order dated 21.11.2021 cancelled bail of Pawan Kumar who preferred CRM-M-21181-2022 before this Court which vide order dated

17.05.2022 directed the petitioner to appear before the Court on the date fixed and deposit 20% as directed vide order dated 12.02.2020. The petitioner is an uneducated person and he was not aware that Pawan Kumar is not attending Court. The petitioner being a poor person cannot deposit Rs.1 Lac. With the efforts of petitioner Pawan Kumar was arrested and thereafter released on bail. Pawan Kumar has complied with orders dated 17.05.2022 passed by this Court in CRM-M-21181 of 2021.

Learned counsel for the petitioner placed on record order dated 03.12.2022 passed by learned Sessions Judge, Karnal which indicates that Pawan Kumnar has already been released on bail and he has complied with order of pre-deposit.

Learned State counsel does not dispute the above-stated facts and concedes that Pawan Kumar was arrested on account of non-compliance of orders passed by the learned Appellate Court and now he has complied with orders of Appellate Court.

In view of the fact that Pawan Kumar has already been arrested and thereafter released on bail on the basis of fresh bail/surety bonds; he has duly complied with orders passed by Appellate Court as well this Court in CRM-M-21181 of 2022; no recovery needs to be effected from the petitioner.

Accordingly, the present petition is allowed and impugned order dated 15.03.2022 passed by Sessions Judge, Karnal to the extent of recovery from petitioner is set aside.

(JAGMOHAN BANSAL)
JUDGE

22.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>