

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CRM-21739-2022 in/and
CRA-S-1080-2022 (O&M)
Date of Decision: 14th September, 2023

Tasbir Singh @ Jasbir Singh

... Appellant

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.G.S. Sandhu, Advocate for the appellant.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

CRM-21739-2022

1. This is an application for condonation of delay of 10 days in filing the appeal.

2. For the reasons recorded in the application, the same is allowed and delay of 10 days in filing the appeal is condoned.

CRA-S-1080-2022

3. This appeal has been filed seeking quashing of order dated 24.8.2021 ordering recovery of the surety amount under Section 446 Cr.P.C.

4. Brief facts are that the appellant stood surety for Kala Singh (accused) in a complaint under Section 138 of Negotiable Instruments Act, 1881. The accused failed to appear in appellate proceedings and his warrant of arrest were issued. Thereafter, impugned order was passed. Subsequently, the accused surrendered before the Appellate

2023:PHHC:121183

Court, he was granted bail and ultimately acquitted.

5. Learned counsel for the appellant submits that the accused appeared before the Appellate Court and was acquitted. The receipt of rupees five thousand deposited by the appellant is produced by the learned counsel for the appellant (photocopy is taken on record). The prayer is that the amount ordered to be recovered from the appellant in the impugned order be reduced.

6. Learned State Counsel opposes the prayer and submits that the appellant stood surety and the accused failed to appear in appellate proceedings.

7. The object of furnishing of surety was to ensure the attendance of accused in the proceedings. *Albeit* there was non-appearance of the accused in appellate proceedings but on his surrender, he was granted bail and ultimately acquitted.

8. Keeping in view the facts and circumstances of the case the impugned order is modified and amount ordered to be recovered in the impugned order is reduced to Rs.5000/- i.e. the amount already deposited. The appeal is partially allowed.

9. Since the main case has been partially allowed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

14th September, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No