

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-26347-2023

Date of decision: 24.05.2023

Hardarshan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Joginder Pal Devgan, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking quashing of Recovery Warrants dated 02.12.2022 (Annexure P-6), 13.02.2023 (Annexure P-7) and 21.03.2023 (Annexure P-8) issued by learned District and Sessions Judge, Ferozepur vide which an amount of ₹50,000/- was ordered to be recovered from the petitioner who had stood as surety of accused Jagroop Singh @ Roopa in case FIR No.77 dated 06.04.2018 under Section 379-B of the IPC registered at Police Station Zira, District Ferozepur.

2. Learned counsel for the petitioner *inter alia* contends that no doubt the petitioner had furnished surety bonds for accused Jagroop Singh @ Roopa who was an accused in case FIR No.77 dated 06.04.2018, however, said Jagroop Singh @ Roopa had subsequently died in a police encounter on 20.07.2022. He submits that aforementioned Recovery Warrants in the facts and circumstances are, thus, liable to be quashed as the purpose for which the petitioner had stood as surety i.e. for securing the attendance of the accused was now

not possible as it was a matter of record that accused Jagroop Singh @ Roopa had died.

3. I have heard learned counsel and perused the relevant material on record.

4. The petitioner admittedly stood as surety for Jagroop Singh @ Roopa who was facing trial in FIR No.77 dated 06.04.2018. During the course of trial in the aforementioned FIR, accused Jagroop Singh @ Roopa absconded and thereafter was involved in a number of other criminal cases. A person stands surety by giving an undertaking to the Court that he would ensure the presence of an accused if the accused fails to appear before the Court. Admittedly in the case in hand, the petitioner had stood surety for Jagroop Singh @ Roopa, who not only absconded during the course of the trial but after jumping bail was involved in a number of other crimes. It is thus evident that the petitioner who had stood surety for accused Jagroop Singh @ Roopa had, thus, failed to secure his presence during trial.

5. As a sequel to the above, the instant petition being devoid of any merit is dismissed.

24.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No