

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

274

CRM-M-39014-2022

Date of decision: 16.02.2023

**MUKHTIAR SINGH**

....Petitioner(s)

**Versus****STATE OF HARYANA**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Manpreet Ghuman, Advocate  
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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**AMAN CHAUDHARY. J.**

The present petition has been filed for quashing of the impugned order dated 12.04.2022, Annexure P-6, passed by SDJM, Pehowa vide which the recovery warrants against the petitioner was issued.

Learned counsel for the petitioner submits that the petitioner had stood surety for Khushdeep Singh, who did not appear before the Court on 21.09.2019 but subsequently with earnest efforts of the petitioner he had surrendered on 25.09.2019 and thereafter, was granted concession of regular bail. Thereafter, he continued to appear before the Court on regular basis. These subsequent facts have not been taken into consideration while passing the impugned order by the trial Court while issuing recovery warrants against the petitioner. Still further, now the said accused-Khushdeep Singh has also passed away on 30.08.2022. As a matter of fact even the FIR which was registered against him, had been quashed by this Court by way of compromise between the parties in CRM-M-34857 dated 12.09.2022.

Learned State counsel submits that notice was correctly issued to the petitioner as Khushdeep Singh had not appeared before the Court and had

absented himself before the Court. The petitioner, being surety, was responsible for the same. However, he is unable to controvert the submissions made by the learned counsel for the petitioner with regard to accused Khusdeep Singh having surrendered and subsequently granted bail and FIR stands quashed on the basis of compromise.

Heard.

Admittedly, the petitioner was the surety of one accused-Khushdeep Singh, who had absented from the Court on one date i.e. 21.09.2019, however, he with the earnest efforts of the petitioner surrendered on 25.09.2019 and continued to appear thereafter. The learned trial Court while issuing recovery warrants ought to have taken into consideration the aforesaid facts. The said accused has since even passed away and the FIR in question has also been quashed on the basis of the settlement arrived at between the parties.

Considering the aforesaid facts and circumstances of the case and bearing in mind the law laid down by Hon’ble The Supreme Court of India in the case of **State of Karnataka Vs. L. Muniswamy and others**,AIR (1977) SC 1489, this Court finds that permitting the proceedings to continue in the present FIR would be an abuse of the process of the Courts thus, present petition deserves to be allowed, in the exercise of the wholesome power under Section 482 CrPC.

Resultantly the present petition is allowed and the impugned order dated 12.04.2022, Annexure P-6 is hereby set aside.

(AMAN CHAUDHARY)  
JUDGE

16.02.2023

Mehak /S.Sharma(syr)

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