

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

CRM-M No.60880 of 2022
Date of decision: 23rd January, 2023

Jasvinder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parveen Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 17.03.2022 (Annexure P-9) passed by learned Sessions Judge, Karnal in CRA No.596 of 2019 titled as 'Sahab Singh v. The Karnal District Primary'.

Learned counsel inter alia contends that after suspension of sentence of accused Sahab Singh vide order dated 24.09.2019, he had been regularly appearing before the learned lower appellate Court, however, it was only one date i.e. 15.11.2021 accused Sahab Singh was unable to appear before the Court below on account of genuine reasons, as a result of which his bail was cancelled and notice issued to petitioner, being a surety to the accused. Learned counsel further submits that subsequently it was on account of the efforts made by the petitioner himself, accused Sahab Singh surrendered before the learned lower appellate Court on 10.10.2022 and moved an application for bail, which was allowed vide order dated 24.09.2019 (Annexure P-4).

Learned counsel thus, urges that since accused Sahab Singh has already

surrendered and been granted bail by the Court concerned, it would be highly prejudicial and serve no useful purpose to recover the amount of surety from the petitioner.

Notice of motion.

On the asking of Court, Mr. Rahul Mohan, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State.

Learned State counsel on instructions does not dispute that accused Sahab Singh surrendered before the lower appellate Court on 10.10.2022 and thereafter, was extended the concession of bail. A perusal of the zimni orders (Annexures P5, P6 and P7) reveal that accused Sahab Singh never defaulted in putting appearance before the learned appellate Court on all dates of hearing. However, subsequent to the cancellation of bail of accused Sahab Singh vide order dated 15.11.2021, he surrendered before the Court on 10.10.2022 and was extended concession of bail vide order (Annexure P-11) dated 14.10.2022. Therefore, once the accused has admittedly surrendered back, recovery of the amount of bail bonds would serve no useful purpose and would prejudicially affect the petitioner.

As a sequel to the above, the petition is allowed and the order dated 17.03.2022 (Annexure P-9) directing recovery of amount of bail bonds, is hereby set aside.

(MANJARI NEHRU KAUL)
JUDGE

January 23, 2023
rps

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