

[271] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31744-2021
Date of Decision : 26.02.2024

Subhash Kumar ...Petitioner
versus
State of Haryana and anotherRespondents

Coram : **HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Ms. Harmanpreet Kaur (Simmi), Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

[1] By way of this petition, petitioner prays to quash order dated 03.07.2019 (Annexure P-4) whereby, warrant of attachment of the land of surety late Shri Ashok Kumar, the brother of the petitioner was issued, during the proceedings of case FIR No.47 dated 21.04.2016, registered at Police Station Shahzadpur, Ambala under Sections 307/34 IPC and Section 25 of the Arms Act.

[2] Learned counsel contends that Rashid son of Ramjani was one of the accused, who was facing trial in the case. Ashok Kumar (deceased brother of petitioner) had stood surety for Rashid. Since Rashid had absconded from trial, so bail was cancelled. Warrant of arrest of the surety Ashok Kumar was issued and later on, his property was directed to be attached vide order dated 03.07.2019.

[3] Learned counsel contends that Rashid for whom the brother of the petitioner had stood surety, has already been acquitted by the Court vide

judgment dated 22.02.2019 (Annexure P-3). Besides, Ashok Kumar, who stood surety on behalf of Rashid has already expired on 09.12.2019 as per death certificate (Annexure P-1).

[4] Learned State Counsel could not refute any of the aforesaid contentions.

[5] Considering the fact that Rashid for whom Ashok Kumar had stood surety has already been acquitted; whereas, the surety Ashok Kumar, the brother of the petitioner has already expired, the present petition is hereby accepted. The impugned order dated 03.07.2019 (Annexure P-4), whereby warrant of attachment of the land of surety late Shri Ashok Kumar was issued, is hereby quashed.

(DEEPAK GUPTA)
JUDGE

26.02.2024
'Rajneesh'

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