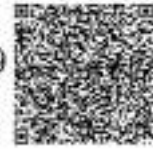


2026.PHHC.052529



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

112

CRM-M-17941-2026 (O&M)

Date of decision: 08.04.2026

Sumer Chand**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Yashveer Kharb, Advocate
for the petitioner.

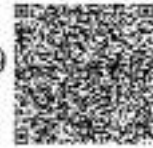
Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of direction to the learned trial Court to permit him to deposit the surety amount on behalf of his son Surjeet Kumar in connection with FIR No. 516 dated 26.06.2020, registered under Sections 323, 324, 34, 341 and 506 of IPC at Police Station Model Town, Panipat.

2. Learned counsel for the petitioner has submitted that the son of the petitioner had stood surety for accused Pardeep @ Sintu in the aforementioned FIR as he was the resident of the same village. However, during the course of trial, the abovenamed accused stopped appearing before the learned trial Court, due to which, his bail was cancelled and his surety bonds were ordered to be forfeited, vide order dated 25.04.2022. Non-bailable warrants were also issued to him. Notice to surety Surjeet Kumar was also issued. It is further submitted that during the pendency of the trial, the son of

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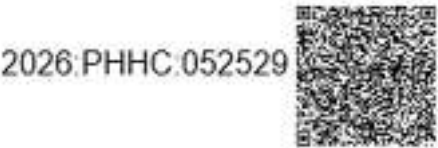


the petitioner had left India due to some personal reasons and is not in a position to appear before the learned trial Court to comply with the forfeiture proceedings. The petitioner, being his father, has volunteered to deposit the surety amount in compliance with the forfeiture order but the learned trial Court did not entertain his request and returned his application to his counsel. It is argued that the petitioner is not seeking waiver or reduction of the surety amount. In fact, he is seeking permission to deposit the surety amount instead of his son Surjeet Kumar as he is currently abroad. While submitting that permitting the petitioner to deposit the surety amount on behalf of his son would not cause any prejudice to any party, it is urged that the petition deserves to be allowed.

3. This Court has heard the submissions made by learned counsel for the petitioner.

4. It is not in dispute that Surjeet Kumar, son of the petitioner, had stood as a surety for the abovenamed accused and that the said accused failed to appear before the learned trial Court, resulting in cancellation of bail and forfeiture of surety bonds. It is further an admitted position that Surjeet Kumar is presently residing abroad and has been issued notice in the forfeiture proceedings. At this stage, this Court finds that the liability to satisfy the forfeited surety bond primarily rests upon the surety himself. Merely because he is residing abroad does not absolve him of his legal obligation to respond to the notice and participate in the proceedings. However, the fact that he is abroad cannot be a ground to stall or defeat the process of law, particularly when the mechanism of appearance through video conferencing is available.

The request made by the petitioner, being father of the surety, to deposit the



surety amount on his behalf does not cause any prejudice to the proceedings, provided the same is done with the consent and under the authority of the surety. This Court is of the view that such deposit, if made, would be in furtherance of compliance with the forfeiture order rather than in derogation of it. Accordingly, it is observed that upon appearance of Surjeet Kumar before the learned trial Court, through video conferencing, and upon his opting to deposit the forfeited surety amount, the learned trial Court may permit the amount to be deposited through the present petitioner on his behalf, in accordance with law.

08.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>