



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

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CRA-S-2454-2023

Decided on : 01.04.2026

Rajiv Kumar

... Appellant(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Pritish Midha, Advocate for
Mr. Amit Choudhary, Advocate
for the appellant(s).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Instant appeal has been filed under Section 489(II) of Cr.P.C. by the appellant – Rajiv Kumar, against the impugned order dated 22.08.2023, passed by the learned Sessions Judge, Fatehabad, vide which the appellant was directed to deposit an amount of Rs.50,000/- towards penalty of the surety bond, in the capacity of surety for the accused, namely, Sandeep alias Goldi.

2. Learned counsel for the appellant argues that in case FIR No.155, dated 02.07.2021, under Section 21-B of the NDPS Act, 1985, registered at Police Station City Ratia, District Fatehabad, one accused, namely Komaljeet, was apprehended by the Investigating Agency, from whom 10 grams of heroin was recovered.

On the basis of disclosure statement of the said Komaljeet, another accused, namely, Sandeep @ Gogi (Sandeep @ Goldi), being the



alleged supplier of the contraband, was also arrayed as an accused. Said accused (Sandeep @ Gogi (Sandeep @ Goldi)) was granted the concession of anticipatory bail by this Court vide order dated 06.09.2023, passed in CRM-M-26903-2021 (P-1).

Accused – Sandeep @ Gogi (Sandeep @ Goldi) had been appearing before the trial Court during the course of proceedings in the aforesaid FIR. However, on 29.04.2022, said accused could not appear before the Court as he was already in custody in another case, i.e., FIR No.229 of 2020, under Sections 285 and 506 of IPC, registered at Police Station City Ratia. Even during the course of hearing, learned State counsel admits this position, as is also reflected in the status report.

Relevant paragraph No.4 of the status report reads as under:-

“4. That on 10.07.2023, warrant of arrest issued against accused Sandeep alias Gogi received back with the report that he is confined in Central Jail-II, Hisar in some other case FIR No.229 of 2020 under Sections 285 and 506 of IPC, Police Station City, Ratia and notice issued to his surety Rajiv Kumar (petitioner) received back duly served but he (petitioner) was not come present. Notice to his identifier Raj Kumar received back unserved. Thereafter, Ld. Trial issued production warrant of accused Sandeep alias Gogi to the Superintendent, Central Jail-II, Hisar with the direction to produce him physically in the Court on 22.08.2023 and fresh notice to his surety Rajiv Kumar (petitioner) and identifier Raj Kumar were also issued for 22.08.2023”

3. On hearing learned counsel for the petitioner, following was recorded on 04.09.2023:-

“CRA-S-2454-2023 (O&M)

It is submitted by the learned counsel that the appellant had stood surety for accused Sandeep @ Goldy, who failed to put in appearance before the concerned Court on 29.04.2022 as he was in



custody in another case. It is pleaded that in such circumstances, the appellant/surety could not have possibly ensured the presence of the accused.

Notice of motion.

Mr. Gurbir S. Dhillon, A.A.G., Haryana, accepts notice on behalf of respondent-State and waives service. He prays for some time to complete his instructions and argue the matter.

List on 23.11.2023.

In the meanwhile, operation of the impugned order dated 22.08.2023 shall remain stayed qua the appellant only.”

4. Since the contention, which was recorded on the first date of hearing, is not in dispute and the said position also stands accepted by the State, as noticed in the status report, this Court does not find any justification in the impugned order, whereby appellant was directed to deposit an amount of Rs.50,000/-, as he failed to secure the presence of the accused – Sandeep @ Goldi, who, at the relevant time, was already confined in custody in another case (as referred to here-above). Accordingly, impugned order dated 22.08.2023, is **set-aside** and appeal thus stands **allowed**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 01, 2026

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No