



CRA-S-1245-2025

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

201

CRA-S-1245-2025 (O & M)

Date of decision: 09.09.2025

Rohtash

....Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashok K. Sharma (Bhana), Advocate and
Ms. Suman Sharma, Advocate,
for the appellant.

Mr. B.S.Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present appeal is to the orders dated 15.07.2024 and 17.12.2024 passed by learned Addl. Sessions Judge, Jind.
2. The appellant, aged 60 years, stood surety by furnishing bonds for an amount of Rs.50,000/-for accused-Michael, who was enlarged on bail in case FIR No.347 dated 02.10.2022, registered at Police Station Uchana, Jind.
3. The accused, however, absented himself from the Court proceedings, following which his bail was cancelled and surety was ordered to be forfeited.

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4. As evident from the orders, Annexures A-3 and A-4, the accused-Michael was lodged in another jail, in FIR No.138 dated 02.04.2024, under Sections 323, 324, 379-B, 506 and 34 IPC, Police Station City Bhiwani and a request was made by the police for issuing his production warrant in FIR No.78 dated 25.03.2024, under Sections 307, 323, 341, 34 IPC, Police Station City Narwana, Annexure A-3, whereafter he was also arrested in the said case on 15.06.2024, on account of which, he could not appear before the Court on 15.07.2024 and 17.12.2024.

5. In view of the above, the appellant cannot be said to be at fault and that he could, in the given facts and circumstances, secure the presence of the accused in any manner, rather, it was incumbent upon the prosecution to have apprised the Court concerned, his whereabouts. He could thus not be held responsible in any manner.

6. In view of the above, the present appeal is allowed. The impugned orders dated 15.07.2024 and 17.12.2024 alongwith recovery proceedings arising therefrom, are set aside.

09.09.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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