



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

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CRR-447-2025 (O&M)
Date of decision: 18.03.2025

Raj Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Gagandeep Kaur, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioner challenging the order dated 17.01.2025, passed by the Court of learned Additional Sessions Judge, Sangrur in case bearing CIS No. CRM/35/2025, titled as *State of Punjab vs. Kamaldeep Singh and others*, arising out of FIR No. 161 dated 10.09.2019, registered under Sections 379-B, 411 and 201 of IPC at Police Station City Dhuri, District Sangrur, whereby an application filed by the petitioner for deleting the entry made in the revenue record qua his property being subject of the surety bonds as furnished in the abovementioned case qua accused Sunny Singh, had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that accused Sunny Singh along with co-accused has been facing trial in the aforementioned case. He had been extended benefit of bail subject to furnishing personal as well as surety bonds. The present petitioner stood his surety. Accused Sunny Singh absented himself on 19.10.2023. His bail was cancelled and bonds were forfeited to State. Warrants of arrest

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against accused Sunny Singh and notice under Section 446 of Cr.P.C. was ordered to be issued against the petitioner, he being surety. Accused Sunny Singh subsequently surrendered on 20.12.2024 and was taken into custody. He is in custody since then. He had moved an application for grant of bail, which had been dismissed. After surrender of the accused Sunny Singh, the present petitioner had moved an application before the learned trial Court for deleting the entry as made in the concerned revenue record showing him as surety of accused Sunny Singh and his property being subject of the surety bonds. The learned trial Court, vide impugned order dated 17.01.2025, dismissed the application so filed, by making following observations:

“Raj Singh filed an application for deleting the entry in the revenue record as the surety Raj Singh. The accused Sunny Singh was absented on 19.10.2023 and his bail order was canceled and his bail bonds and surety bonds were also canceled and forfeited to State. Since accused Sunny Singh has absented and Raj Singh given surety that he will deposit the amount of Rs. 50,000/- if accused has not present, so accused Sunny Singh was absented and his bail order was canceled and his bail bonds and surety bonds were also canceled and forfeited to State. Now surety wants to delete the entry in the revenue record but he is not ready to deposit the surety amount, which was forfeited to the State, therefore, without depositing the surety amount, the entry in the revenue record cannot be deleted. Accordingly, application is dismissed. Papers be attached with the main case.”

3. Aggrieved from the aforesaid order, the present petition has been filed by the petitioner. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law since accused Sunny

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Singh had voluntarily surrendered before the Court and is in custody since 17.01.2025. After his surrender, no order under Section 446 of Cr.P.C. was passed against the petitioner. The surety bonds as furnished by him stood forfeited and ofcourse accused Sunny Singh will have to furnish fresh surety bonds whenever he is extended benefit of bail. As such, it was incumbent upon the learned trial Court to allow the application and give direction for deletion of entries made in the revenue record qua the property of the petitioner, being subject of the surety bonds but by not doing so, the learned trial Court has gravely erred. With these broad submissions, it is urged that the petition deserves to be accepted and the impugned order is liable to be set aside.

4. Learned Senior Deputy Advocate General, Punjab, who has advance notice of the petition, has submitted that there is no illegality or infirmity in the impugned order since as the petitioner had stood surety for accused Sunny Singh, who had absented himself from the Court proceedings. It is, therefore, urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Undisputedly, the petitioner had stood surety to accused Sunny Singh and had furnished bonds before the learned trial Court to ensure his appearance before it on each and every date of hearing. It is also not in dispute that accused Sunny Singh had absented himself, due to which, his bail was cancelled and bonds were forfeited to State. As per provisions of Section 491 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*which is pari materia with Section 446 of Cr.P.C.*), where a bond is furnished before a Court for

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appearance and such bond has been forfeited, the Court concerned may call upon any person bound by such bond to pay the penalty thereof or to show cause as to why it should not be paid. The Court can even proceed to recover the amount of penalty if the same is not paid, as if such penalty was a fine imposed by it. In the instant case, however, though immediately after cancellation of bonds and their forfeiture, the learned trial Court had passed order for issuing notice under Section 446 of Cr.P.C. against the petitioner but after accused Sunny Singh had surrendered on 20.12.2024 and was taken into custody, no such notice was issued and no proceedings under Section 446 of Cr.P.C. were conducted. While passing impugned order, the learned trial Court though observed that the petitioner had given surety to deposit an amount of Rs.50,000/- if accused Sunny Singh absented himself, however, neither any formal notice under the provisions of Section 446 of Cr.P.C./491 of BNSS was served upon the petitioner nor any penalty thereunder had been imposed upon him. There is also nothing on record to suggest that the petitioner was called upon to deposit any such surety amount which he denied to pay. Rather, it emerges from the record that after surrender of accused Sunny Singh, the learned trial Court had proceeded further with the case. In that situation, it has to be presumed that the learned trial Court had foregone the exercise of serving notice under Section 446 of Cr.P.C. upon the petitioner and imposing any penalty upon him on account of forfeiture of the surety bonds so furnished. If that is so, then the petitioner was certainly entitled to make prayer for deletion of entries made in the revenue record, which showed that he stood surety to accused Sunny Singh and his property as shown in the surety bonds was bound by the terms of the bonds.

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7. In view of the discussion as made above, I am inclined to hold that the impugned order does not deserve to sustain. Accordingly, the present petition is allowed. The impugned order is set aside. The entries made in the concerned revenue record showing the petitioner as surety of accused Sunny Singh and his property being subject of the surety bonds are ordered to be deleted.

18.03.2025

Wasem Asari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No