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

**CRM-M-35086-2025
DECIDED ON: 08.07.2025**

ASHOK KUMAR**.....PETITIONER****VERSUS****STATE OF HARYANA AND ORS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Mayank Yadav, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this court has been invoked under section 528 BNSS with a prayer for setting aside the order dated 03.06.2025(Annexure P-1) passed by Session Judge, Narnaul to the extent that recovery of the amount of Rs.1,00,000/- from the petitioner in Case No. CRA-210-2023, titled as Rajbir versus Ram Avtar, District Mahendergarh.

2. Factual matrix of the case unfolds that respondent no.3 filed a complaint under section 138 of the NI Act against Respondent no.2, wherein he was convicted by the Ld. Trial court and respondent no.2 had filed an appeal before the court of session, Narnaul bearing no CRA-210-2023, titled as Rajbir vs Ram Avtar.

3. Counsel for the petitioner contends that the petitioner was the surety of Rajbir(respondent no.2) in the appeal, wherein he did not appear



before the court regularly due to which his bail bond was cancelled by the trial court and the court further summoned the petitioner to appear before the court.

He further contends that the petitioner while appearing before the trial court took fifteen days time to produce respondent no.2 but in the meantime, he was arrested and produced before the court below and was sent to judicial custody.

4. Counsel for the petitioner argues that since the respondent no.2 was arrested and produced before the trial court, the petitioner did not appear at the court below as a result, the court below passed an order for recovery of Rs.1,00,000/- from the petitioner vide order dated 03.06.2025. He further argues that since the petitioner was only a surety and is not a part of the trial, therefore he should not be punished for the recovery of such hefty amount when the respondent no.2 now stands arrested.

5. Heard learned counsel for the petitioner at length.

6. From the perusal of the record in hand, it is evident that the petitioner stood as a surety of respondent no.2 on 24.05.2024 and on cancellation of bail vide order dated 16.07.2024, the bonds were ordered to be forfeited in favour of the State but the petitioner requested for granting fifteen days time to produce respondent no.2 but the petitioner did not appear in the court and respondent no.2 was arrested by the police from Sonapat.

7. This court is sanguine of the fact that the surety can be bound to the extent of the amount mentioned in the bond, by forfeiting the bond wherein the accused does not appear on the date fixed by the court or he absconds. Therefore, whenever a court finds that the accused person has absconded, the surety can be discharged by recovering the amount covered by the bond by the way of a penalty, from the surety.



8. Therefore, in the opinion of this court, the court below has not erred in passing the order dated 03.06.2025 and the same stands upheld.

9. In the light of above discussion, the petition being devoid of merits stands dismissed .

10. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

08.07.2025
anuradha (v)

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