

(1979) 10 P&H CK 0001

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal No. 194 of 1977 and Criminal Miscellaneous No. 4943 of 1979

Lal Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision: Oct. 17, 1979

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 446(4)

Hon'ble Judges: A.S. Bains, J

Bench: Single Bench

Advocate: H.S. Sandhu, for the Appellant; D.S. Keer, for the Respondent

Final Decision: Allowed

Judgement

Ajit Singh Bains, J.

The Appellant stood surety for Bakhshish Singh. Bakhshish Singh failed to appear on March 13, 1975, and also did not appear subsequently. The Appellant was issued notice by the trial Court and hearing him, it ordered the forfeiture of the surety bond in the sum of Rs. 10,000/-. Lal Singh challenged the impugned order before this Court by way of this appeal, but during the pendency of the appeal he died.

2. Mr H.S. Sandhu, canvassed that in view of Section 446 (4) Code of Criminal Procedure the amount of Rs. 10,000/- cannot be a charge on the estate of Lal Singh. Section 446 (4) of the Criminal Procedure Code, is in the following terms:

446 (4). Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liabilities in respect of the bond.

From the reading of this provision, it is plain that where a surety dies during the pendency of the proceedings, then his estate shall be discharged in respect of all the liabilities.

3. Mr O.S. Keer, learned Counsel for the State, could not bring to my notice any other provision or any authority contrary to the provision.

4. Accordingly, this appeal is allowed and the estate of Lal Singh is discharged of all the liabilities.