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

CRM-M-19604-2022

Date of decision:10.05.2022

SAVITA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G. Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The impugned order, as is embodied in Annexure P-8, is extracted hereinafter.

“Two PWs namely Sunita and Anil Kumar are available for evidence. Case called several times since the morning but the accused persons namely Savita and Dhanraj @ Dhan Singh failed to appear. The witnesses have been waiting since the morning and it is 3:35 PM. No more wait is justified. Hence, both the witnesses named above are hereby dis-charged until further orders.

The bail granted to the accused persons is hereby cancelled. The bail bonds and surety bonds furnished by accused Savita and Dhanraj @ Dhan Singh are cancelled. Let NBW be issued against accused Savita and Dhanraj @ Dhan Singh for 10.1.2020. Notices to the sureties of the accused be also issued for the date fixed.”

2. A reading of the impugned order, as becomes extracted hereinabove reveals, that the learned trial Magistrate proceeded to, cancel the order granting bail to the petitioner herein, and, that too without prior thereto his serving a notice, upon the petitioner herein, whereas, the serving of a notice, upon the

petitioner herein, prior to his proceeding to cancel the bail order rather was imperative, as thereupon, the principles of natural justice would become not breached.

3. Therefore, for failure of a notice being served, upon the present petitioner, prior to the learned Magistrate concerned, ordering for cancellation of the order granting bail to him, hence it suffers from a deep, and, pervasive vice of its breaching the principles of natural justice.

4. Consequently, impugned order is quashed, and, set aside. NBWs, if not issued, be not issued, and, if issued, be recalled forthwith.

5. Disposed of.

(SURESHWAR THAKUR)
JUDGE

10.05.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No