

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

Date of Decision: 25.05.2023

1. CRM-M-26558-2023

AMIT ... PETITIONER
V/S

STATE OF HARYANA ... RESPONDENT

2. CRM-M-26608-2023

ROHIT @ VICKY ... PETITIONER
V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikram Singh, Advocate for the petitioners.
Mr. Ranvir Singh Arya, Addl. AG Haryana.
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VIVEK PURI, J. (ORAL)

1. Amit and Rohit @ Vicky-petitioners are seeking to quash the order dated 14.02.2023, Annexure P-2 vide which the bail has been cancelled, bail bonds and surety bonds have been forfeited to the State on account of their non-appearance. The warrants of arrest have been issued and notice to the surety has also been issued.

2. Learned counsel for the petitioners submit that initially, the petitioners were granted regular bail in terms of the order dated 17.10.2022, Annexure P-1. The petitioners had been regularly appearing in the learned trial Court and this is first default on their part. The reason assigned for non-appearance is the health issues of both the petitioners. Annexure P-3 in both the cases is the OPD health care card dated 13.02.2023, vide which they were advised bed rest for 4 days. The petitioners had subsequently absented from the proceedings on the following day and consequently, the impugned order has been passed on account of their non-appearance. The next date of hearing in the trial Court is 05.06.2023.

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3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

5. The OPD health care cards indicate that the petitioners were suffering from health issues and advised complete bed rest for 4 days. It is stated that this is first default on the part of the petitioners. The ailment being suffered by the petitioners resulted in their non-appearance in the learned trial Court and the next date of hearing in the trial Court is 05.06.2023.

6. In these circumstances, the petitions are disposed of with a direction that the petitioners shall appear in the trial Court on or before 05.06.2023 and shall move an application for bail/recall of warrant of arrest and the same may be disposed of in accordance with law.

7. It is further directed that in the event of appearance of the petitioners and moving an application for bail/recall of warrant of arrest on or before 05.06.2023 , the arrest of the petitioners shall remain stayed till the disposal of such application and also for a period of 15 days thereafter in the event, the application is dismissed by the learned trial Court. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioners and the surety.

8. Disposed of.

25.05.2023

Janki

(VIVEK PURI)
JUDGE*Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*