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

CRM-M-32062-2024**Date of decision : 08.07.2024****Vikas Devi****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. D.S. Virk, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of impugned order dated 29.05.2024 (Annexure P-4) passed by the Court of learned Additional Sessions Judge, Bhiwani, whereby application of the petitioner from exemption from personal appearance on 29.05.2024 has been dismissed in a totally illegal and arbitrary manner and bail bonds were also forfeited to the State and warrant of arrest has been issued for 03.07.2024 in FIR No.062 dated 21.05.2017, under Sections 15/61/85 of NDPS Act, registered at Police Station Behal, District Bhiwani.

It has been contended by counsel for the petitioner that petitioner was regularly appearing before the trial Court. However, on one date i.e. on 29.05.2024, he was seriously ill and suffering from vomiting and recurring loose motions, he remained absent from the Court and his bail order was cancelled. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion to official respondent only.

On asking of the Court, Mr. Ramesh Kumar Ambavta,

A.A.G., Haryana accepts notice on behalf of the respondent-State.



Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 29.05.2024 without any valid reason.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 29.05.2024 and his bail was cancelled and bail bonds were forfeited to the State and warrant of arrest was issued for 03.07.2024. The reason for his absence has been given that he was seriously ill and suffering from vomiting and recurring loose motions. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 29.05.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 29.05.2024 would come in force.

08.07.2024

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No