

DEEPAK CHAURASIA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sumeet Goel, Sr. Advocate with
Mr. Samir Rathaur, Advocate;
Mr. A.K. Ranolia, Advocate and
Ms. Shivani Kaushik, Advocate for the petitioner.

VIVEK PURI, J. (ORAL)

Deepak Chaurasia-petitioner is facing trial in the case bearing FIR No.147 dated 20.03.2015, under Section 67-B of Information Technology Act, Sections 469/471/180/120-B IPC and Section 23 of POCSO Act, 2012, registered at Police Station Palam Vihar, District Gurugram, Haryana.

The petitioner has assailed the order dated 28.10.2022 passed by the trial Court vide which his bail has been cancelled, bail bonds and surety bonds have been cancelled and forfeited to the State and the petitioner has been ordered to be summoned through warrant of arrest.

The petitioner had not appeared in the trial Court on 28.10.2022. Although, an application for exemption from personal appearance was moved but the same was declined. The bail of the petitioner was cancelled, his bail bonds and surety bonds were also cancelled and forfeited to the State. The petitioner has now been summoned through warrant of arrest on 21.11.2022.

Learned Senior counsel submits that on account of health issues, the petitioner could not appear in the trial Court on the date fixed. In fact, the petitioner was admitted in Aashlok Hospital. The discharge summary indicates

that he was admitted in the hospital on 28.10.2022 and discharged on 03.11.2022.

The confinement of the petitioner in the hospital prevented him from appearing in the Court below.

Notice in the application.

Mr. Karan Garg, AAG, Haryana accepts notice on behalf of the respondent-State.

The discharge summary indicates that the petitioner was admitted in hospital on 28.10.2022 i.e. the date of hearing in the learned trial Court. The confinement of the petitioner in the hospital has resulted in non-appearance in the learned trial Court.

In these circumstances, the petition is disposed of with a direction that the petitioner shall appear in the trial Court on or before 17.11.2022 and shall move an application for bail/recall of warrant of arrest and the same be disposed of in accordance with law. It is further directed that the arrest of the petitioner shall remain stayed and the coercive steps as ordered in the impugned order against the petitioner shall remain in abeyance till the disposal of the bail application and for a period of 07 days thereafter in the event, the application is dismissed.

10.11.2022

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**(VIVEK PURI)
JUDGE**

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