



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-55300-2023

Date of decision: 30.09.2024

NISHA PARIHAR

....PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- None for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

**SANJIV BERRY, J. (ORAL)**

By way of present petition filed under Section 482 of Cr.P.C., the petitioner prays for setting aside the impugned order dated 06.10.2023 (Annexure P-3) passed in CHI-349-2022 titled 'State of Haryana vs. Nisha Parihar etc.' by the learned Sub-Divisional Judicial Magistrate, Narwana.

2. It is, *inter alia*, contended by learned State counsel that in compliance to the order passed by this Court on 06.11.2023, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 14.11.2023 passed by learned Duty Judicial Magistrate First Class, Narwana in this regard.

3. During the course of hearing on 06.11.2023, following order was passed:

*"The present petition under Section 482 CrPC has been preferred by the petitioner seeking quashing of the impugned order dated 06.10.2023 (Annexure P-2) passed in CHI-349-*



2022 titled as 'State of Haryana Vs. Nisha Parihar etc.' by the learned Sub-Divisional Judicial Magistrate, Narwana.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, after having been granted the concession of bail, had been regularly appearing in the trial Court in the above-mentioned case pending in the Court of learned Sub-Divisional Judicial Magistrate, Narwana. On 06.10.2023, the petitioner could not appear in the trial Court due to the reason that she had to go out of station. Her counsel had moved an application seeking exemption from personal appearance for the same date but the same was declined by the learned Magistrate and the learned Court had ordered for cancellation of bail and issuance of non-bailable warrants of arrest. He submits that if granted the concession, the petitioner will regularly appear in the Court on each and every date without fail and will not misuse the concession of bail.

3. Notice of motion.

4. On the asking of the Court, Mr. Surinder Singh, AAG Haryana appears and accepts notice on behalf of respondent-State.

5. Reply, if any, be filed on or before the adjourned date.

6. In the meanwhile, petitioner is directed to appear before the learned Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future she will appear on each and every date of hearing without fail and only in case of extreme exigency will she seek exemption from the Court in accordance with law. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. 7. Adjourned to 30.11.2023.”

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4. Keeping in view the fact that the petitioner has already appeared in the Court and furnished her requisite bail/surety bonds consequent to the order dated 06.11.2023, passed by this Court, the present petition is allowed. The order dated 06.10.2023, passed by learned Sub Divisional Judicial Magistrate, is set aside and the interim bail granted vide order dated 06.11.2023 is hereby confirmed.

5. The petition stands allowed.

6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)  
JUDGE

30.09.2024  
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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |