



CRM-M-19786-2025

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

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CRM-M-19786-2025

Date of Decision: 09.04.2025

NEHA RUSTAGI

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

Present: Mr. Rahul Rana, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 528 BNSS for quashing and setting aside of order dated 30.04.2024 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Gurugram whereby proclamation proceedings under Section 82 Cr.PC were issued and thereafter proceedings under Section 83 Cr.PC were commenced.

2. Learned counsel for the petitioner submits that the summons were not received by the petitioner as she was never residing at the given address. He further contended that the petitioner may be permitted to surrender before the learned trial Court to attend the trial proceedings regularly and, therefore, requests that the impugned order may be set aside.

3. Notice of motion.

4. On the asking of the Court, Ms. Ankita Ahuja, AAG, Haryana accepts notice on behalf of the respondent-State. He states that she has no objection in case the impugned order is set aside.



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5. I have heard learned counsel for the parties and gone through the case file.

6. In view of the limited prayer made by the learned counsel for the petitioner, this Court deems it appropriate to decide this case without issuing notice to respondent No.2. Keeping in view the facts and circumstances of the case and limited prayer made by the counsel for the petitioner, the order dated 30.04.2024 (Annexure P-2) passed by the learned Judicial Magistrate, Ist Class, Gurugram is ordered to be set aside. The petitioner is directed to surrender before the Court below within 07 days from the date of receipt of certified copy of this order and the concerned Court shall release the petitioner on bail on the same day, subject to payment of Rs.10,000/- as costs to be paid to the complainant on her furnishing bail bonds/surety bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the petitioner-accused's conduct.

6. It is made clear that in case, the petitioner fails to surrender before the Court concerned within 07 days from today, this order shall be of no avail to him thereafter.

7. The petition stands allowed.

09.04.2025*sonia***(H.S.GREWAL)
JUDGE**

Whether speaking/ reasoned : Yes/No

Whether Reportable : Yes/No