



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

130

**CRM-M-856-2026 (O&M)
Date of decision : 04.02.2026**

Nisha Viridi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

This petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner for quashing of orders dated 12.03.2020 and dated 15.10.2025, passed by the learned Sessions Judge Jalandhar, hereinafter being referred to as 'trial Court' only.

2. In nut-shell the facts emerging from record are that the abovementioned order has been passed by the learned trial Court, during the course of a trial for the commission of offence punishable under Sections 379-B/411/34 of Indian Penal Code, pertaining to FIR No.79 dated 24.06.2019.

3. **Notice of motion.**



4. Mr. I.P.S. Sabharwal, DAG Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed short reply. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner, who was implicated in a false case, was facing a trial in the Court of Sessions Jalandhar, and that she was released on bail in the abovementioned case. As per learned counsel for the petitioner, the petitioner had been appearing without fail before the learned trial Court, but due to unavoidable circumstances, i.e. cremation of her uncle, she could not appear before the learned trial Court. As per learned counsel for the petitioner, in the abovementioned circumstances an application for exemption of personal appearance was moved, but the learned trial Court dismissed the abovementioned application and by cancelling her bail, issued warrants of arrest against her.

7. It has also been contended by learned counsel for the petitioner that once the bail of the petitioner was cancelled on 12.03.2020, due to impact of pandemic COVID-19, the petitioner could not appear before the learned trial Court and ultimately she was declared a proclaimed offender. As per learned counsel for the petitioner, the order dated 02.07.2022, whereby the petitioner was declared a proclaimed offender, was found to be defective by this Court and therefore, the same was set-aside vide order dated 25.09.2025.



8. In the backdrop of abovementioned facts, now it has been contended by learned counsel for the petitioner that the petitioner, who has been regularly appearing before the learned trial Court, deserves a lenient view, and that a harsh order has been passed by the learned trial Court without following the relevant law. According to learned counsel for the petitioner instead of straightway cancelling the bail and issuing warrants of arrest, it was incumbent upon the learned trial Court to issue notice to the petitioner, but the learned trial Court has failed to do so. Hence, the present petition for quashing.

9. *Per contra*, the learned State Counsel has argued that the present petition is not maintainable as the order with regard to cancellation of bail has already been upheld by this Court by virtue of order dated 25.09.2025. It has also been contended by learned counsel for the respondent that the mischief being played by the petitioner can be seen from the fact that her bail was cancelled before pandemic COVID-19, and thereafter till today she has not participated in the trial. According to learned State Counsel, in view of abovementioned conduct, the petitioner is not entitled for a considerate view.

10. The record has been perused carefully.

11. A perusal of record shows that the order dated 12.03.2020 read as under:-

“Two Pws namely Shambhavi Priya and Anisha are present and partly examined-in-chief today. Their further examination has been deferred as accused have not appeared today. An



application for exemption of personal appearance of accused Gaurav and Nisha has been filed on the ground that they had gone to Bombay to attend the cremation of their uncle, but this application is neither supported by any affidavit of accused nor copy of any ticket has been produced. A perusal of file would show that on the previous date also accused had not appeared and sought exemption on the similar ground. It appears that they have intentionally not appearing in the court and wanted to harass the prosecution witnesses and to delay the proceedings. As such, this application is declined. Their bail orders are cancelled and their bail bonds and surety bonds stand forfeited to the State. Let accused Gaurav and Nisha be now summoned through non bailable warrants of arrest for 7.4.2020. Notice under section 446 Cr.P.C to their sureties be also issued for that date. However, the present witnesses are discharged for the time being.”

12. A bare perusal of abovementioned order shows that it was not the first instance when the petitioner was not present in the Court. Rather on two consecutive dates, she had not appeared before the Court, and the absence of petitioner was more serious in view of the fact that on 12.03.2020, two witnesses were present in the Court.

13. Here this fact cannot be ignored that the petitioner, who was very-well aware of this fact that her bail had been cancelled on 12.03.2020, did not bother to surrender before the Court, and participated in the trial. Rather after 05 years of the abovementioned order, she had approached this Court for setting aside of order, whereby she was declared proclaimed offender. Once the abovementioned order was set aside due to some



technical defect in the process adopted by the Court, now she has resorted to present petition seeking for quashing of order dated 12.03.2020.

14. In view of abovementioned conduct, it is apparent that the petitioner has not approached the Court with clean hands, and therefore, it is hereby observed that the fact leads to the conclusion that the learned trial Court was left with no option, but to take harsh step against the petitioner, i.e. cancellation of bail due to her repeated absence. Thus, it is hereby held that there is no illegality in the order with regard to issuance of warrants of arrest.

15. As a sequel to abovementioned observations, it is hereby held that there is no merit in the contentions raised on behalf of petitioner and the present petition being devoid of merit deserves dismissal.

16. Accordingly, the present petition is hereby *dismissed*.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

04.02.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No