



CRM-M-44161-2025

-1-

124

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

CRM-M-44161-2025

Date of Decision: 13.08.2025

MUKESH SHARMA

... PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

SURYA PARTAP SINGH, J. (ORAL)

This is a petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking quashing of order dated 17.02.2025, whereby the petitioner has been declared a proclaimed person and warrants of arrest has been issued against him in a complaint, bearing no. NACT/1110/2022 filed under Section 138 of the Negotiable Instruments Act, 1881 titled Sandeep Kumar vs. Mukesh Sharma.

Notice of motion.

Mr. Parveen Kumar Aggarwal, Additional Advocate General, Haryana accepts notice on behalf of the respondent-State and waives service.



CRM-M-44161-2025

-2-

Learned counsel for the petitioner submits that the petitioner was never served with any notice and warrants were returned 'unexecuted' as the house of the petitioner was locked. According to learned counsel for the petitioner, merely on the basis of assumption that the petitioner is deliberately concealing himself and avoiding the execution of warrants he has been wrongly declared a proclaimed person, vide order dated 17.02.2025.

In view of the peculiar facts and circumstances of this case and the fact that offence under Section 138 of NI Act is bailable offence, the present petition is disposed of with a direction to the petitioner to appear before the learned trial Court on the next date of hearing or within a period of 15 days from today, whichever is earlier. In case, the petitioner appears before the learned trial Court within the stipulated period, he shall be admitted to bail on furnishing bail bonds to the satisfaction of the learned trial Court concerned/Illaq Magistrate/Duty Magistrate on the same day. It is, however, made clear that the learned trial Court will be at liberty to proceed against the petitioner as well as his surety as per provisions contained under Section 491 of BNNS (erstwhile Section 446 of Cr.P.C.).

(SURYA PARTAP SINGH)
JUDGE

13.08.2025

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>