



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

106

CRM-M-66050-2025  
Decided on : 21.11.2025

SURENDER KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Kushager Goyal, Advocate,  
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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**SANJAY VASHISTH, J. (Oral)**

1. Present petition has been filed by the petitioner, seeking grant of anticipatory bail, in case, FIR No.500, dated 09.10.2025, under Section 209 of BNS, registered at Police Station Civil Lines, Sirsa.
2. Counsel for the petitioner contends that during the proceedings of a criminal complaint under Section 138 of the Negotiable Instruments Act, titled as "Puran Chand vs. Surender Kumar" pending in NACT No.1641 of 2023, petitioner, who was residing abroad at the time, could not be duly summoned and was consequently declared a proclaimed person on 23.07.2025. As a result, FIR No.500 dated 09.10.2025 under Section 209 of BNS (corresponding to Section 174-A of IPC) was registered against him, at Police Station Civil Lines, Sirsa.
3. It is further submitted that in the main dispute, i.e., the complaint under Section 138 of the NI Act, petitioner has already appeared and has been released on regular bail by the Court of learned JMIC, Sirsa, vide order



dated 22.09.2025 (Annexure P-3).

Counsel also argues that the cheque amount in dispute is only Rs.1,00,000, and there is every likelihood that the matter may be resolved amicably in due course. Moreover, there is no requirement for custodial interrogation of the petitioner for the purpose of proceeding with the case registered under Section 209 of the BNS, 2023.

Without addressing much on merits, counsel for the petitioner submits that if one opportunity is granted, petitioner is ready and willing to join the proceedings initiated against him under Section 209 of BNS, i.e. FIR No.500 dated 09.10.2025, if protected from arrest.

4. Notice of motion.

5. Learned State counsel puts an appearance, and submits that the present petition *sans merit*, because the petitioner has not been able to point out any irregularity or discrepancy in the proclamation proceedings or order passed by learned Court below. However, learned State counsel has not disputed the factum of the petitioner having joined the proceedings in the complaint case under Section 138 of the NI Act and grant of bail to the petitioner by the learned trial Court, vide order dated 22.09.2025 (Annexure P-3). Thus, prays for dismissal of the present petition.

6. I have considered the submissions of both the sides and with their able assistance examined the relevant material available on record. It remains undisputed that in the primary proceedings under Section 138 of the NI Act, due to non-appearance of the petitioner, he was declared as a proclaimed person, and then FIR No.500 dated 09.10.2025, for the offence punishable under Section 209 of BNS has been registered against him. Petitioner has already joined the process of law in the complaint case and even granted concession of bail. He is also willing to join the proceedings



initiated against him under Section 209 of BNS.

The offence under Section 209 of BNS is triable by Magistrate and the maximum imprisonment of three years can be imposed. Moreover, no meaningful purpose would be served for the prosecution by sending or keeping the petitioner behind bars.

7. Consequently, prayer made in the present petition is **allowed**. It is directed as under:-

- (i) The petitioner shall surrender before the trial court **on or before 08.12.2025.**
- (ii) Petitioner shall also move an appropriate application for bail before the concerned Court, and he would be released on bail, subject to furnishing of bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.
- (iii) Petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.
- (iv) Petitioner would hand over his passport to the Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.
- (v) Before leaving country any time during trial, petitioner would seek prior permission of the Court.
- (vi) Petitioner shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Needless to observe that the petitioner shall not extend any



threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, Trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

November 21, 2025  
Lavisha

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