



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

205

**CRM-M-67144-2025
Decided on : 05.12.2025**

Kapil

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ashok K. Sharma, Advocate
for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking grant of regular bail to the petitioner in complaint No. 515 of 2016, under Section 138 of the Negotiable Instruments Act, 1881 (in short, the "NI Act"), pending before the Court of learned JMIC, Jind (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner, while facing trial under Section 138 of the NI Act, was initially granted bail and he continued appearing before the Court below on each date of hearing. However, due to certain compelling circumstances, he could not appear on 16.02.2023, resultantly, he was declared a 'proclaimed person' vide order dated 02.09.2023. It is further submitted that thereafter, petitioner left the country to earn his livelihood but ultimately got deported and, without waiting for any coercive action, he voluntarily surrendered before the Court below on 11.11.2025 and is in custody since then.

3. Learned counsel contends that the petitioner has already



suffered incarceration for the lapse committed by him, and since the offence under Section 138 of the NI Act is bailable in nature, his continued detention in custody would not serve any useful purpose. It is urged that the petitioner undertakes not to misuse the concession of bail, if granted.

4. I have considered the submissions addressed and find that where the primary offence is bailable, there appears no substantial reason to prolong the hearing by issuing notice to the complainant. Assistance has also been rendered by learned State counsel, who confirms the factual position reflected from the record.

5. Taking into account that the petitioner has already remained in custody for a period of about 26 days after surrendering before the Court on 11.11.2025, and keeping in view the bailable nature of the offence under Section 138 of the NI Act, this Court deems it appropriate to grant him the concession of bail. However, such concession shall remain subject to the petitioner depositing an amount of **Rs.10,000/- as costs** in favour of respondent No.2-complainant, within a period of **one week** from his release. In case of default, this order shall stand rendered **inoperative**, and the petitioner shall be taken into custody forthwith.

Accordingly, the present petition is **allowed**. The petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



7. Any of the discussion done and recorded here above, 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.

8. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 05, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No