



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

322

CRM-M No.67434 of 2025

Date of decision : 10.12.2025

Date of uploading : 10.12.2025

Kapil

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashok K. Sharma (Bhana), Advocate and
Ms. Suman Sharma, Advocate, for the petitioner

Mr. Sunny Namdev, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case Complaint No.457 registered on 22.8.2016, under Section 138 of Negotiable Instruments Act, 1881, pending for 28.11.2025 before Judicial Magistrate Ist Class, Jind.
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 has filed the custody certificate dated 9.12.2025 today in Court and 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.2,000/- 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. The petitioner shall also deposit his passport with the concerned Court before being released on bail.

6. 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/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

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

8. 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.

(SUMEET GOEL)
JUDGE

10.12.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No