



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

109

CRM-M-13440-2026 (O&M)

Date of decision : 12.03.2026

Anil Kumar @Anil Kera

..... Petitioner

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ankush Duhan, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

This petition for pre-arrest bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.635 dated 12.10.2025, for the commission of offence punishable under Section 209 of Bharatiya Nyaya Sanhita, 2023, Police Station Karnal Civil Lines, District Karnal.

2. The abovementioned FIR came into being in the backdrop of the facts that the petitioner, who was summoned to face a trial for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, was never served with any process, and therefore, he could not appear before the learned trial Court. In the abovementioned circumstances, he was declared a proclaimed person vide order dated 05.07.2025.



3. **Notice of motion qua respondent No.1.**

4. Mr. Ramender Singh Chauhan, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

5. Heard.

6. It has been contended by learned counsel for the petitioner that subsequent to order dated 05.07.2025, the petitioner appeared before the learned trial Court on 18.07.2025, and he had been released on bail in the case pertaining to a complaint under Section 138 of NI Act.

7. It has also been contended by learned counsel for the petitioner that the same complainant had filed two complaints against the petitioner and both the complaints were pending before the same Court. As per learned counsel for the petitioner, in one complaint the petitioner had already put in appearance before the learned trial Court, and in the case in hand, wherein he has been declared a proclaimed person, he could not appear as he was not aware of the same. While claiming that the *bona fide* omission has taken place on the part of the petitioner, the learned counsel for the petitioner has sought the benefit of pre-arrest bail for the petitioner.

7. The learned State Counsel has controverted the abovementioned arguments on the ground that the petitioner had the knowledge of the second complaint, and that because of *mala fide* intentions, he did not appear before the learned trial Court. As per learned State Counsel, the petitioner is not entitled for anticipatory bail.

**CRM-M-13440-2026 (O&M)**

3

8. The record has been perused carefully.
9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-
- i. that the offence is triable by the Court of Judicial Magistrate;
 - ii. that the maximum punishment prescribed for the commission of abovementioned offence is imprisonment upto three years;
 - iii. that the petitioner has already joined the proceedings in the main case;
 - iv. that nothing has been left to be recovered from the possession of petitioner;
 - vi. that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
 - vii. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
 - viii. that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
 - ix. that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.
10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of pre-arrest bail, and that the present petition deserves to be allowed.



11. In view of the above-mentioned discussion, the present petition is hereby *allowed* and the petitioner is accorded the benefit of pre-arrest bail. It is hereby directed that in the event of his arrest, the petitioner shall be released on bail on furnishing bonds to the satisfaction of arresting officer. The petitioner will join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

12.03.2026
Gaurav Thakur

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