

2026:PHHC:039302



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109

CRM-M-13669-2026

Surjeet Nain

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 13.03.2026

Date of Uploading : 13.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Tamanna Banwala, Advocate for the petitioner.
Mrs. Priyanka Sadar, Sr. DAG Hry.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS seeking the concession of anticipatory bail to the petitioner in FIR No.996 dated 16.12.2025 registered under Section 209 of the Bharatiya Nyaya Sanhita (corresponding to Section 174-A of IPC) at Police Station Civil Lines, Karnal.
2. The gravamen of the allegations as emerging from the record is that the petitioner was declared a proclaimed person in a complaint case bearing No.NACT-619-2020 titled "*Munesh vs. Surjeet Nain*" pending before the Court of Judicial Magistrate First Class, Karnal arising out of proceedings under Section 138 of the Negotiable Instruments Act. It has been further alleged that despite publication of the proclamation and lapse of the stipulated period, the petitioner had failed to appear before the Court and consequently, vide order dated 04.11.2025, the petitioner was declared a

proclaimed person. On the basis of the said order, directions were issued for registration of an FIR under Section 209 of the BNS and the present FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as the same has been registered on account of the proclamation order passed in the complaint case. Learned counsel has further iterated that the petitioner was not aware of the pendency of the proceedings under Section 138 of the Negotiable Instruments Act as he was not residing at the address mentioned in the complaint. It has been further submitted that immediately after acquiring knowledge of the case, the petitioner has appeared before the Court below and was granted the concession of bail in the main complaint case vide order dated 17.02.2026. It has been further submitted that the default of non-appearance of the petitioner has been sufficiently explained and the same has been condoned by the Court below while granting the concession of bail. Learned counsel has emphasized that the petitioner has clean antecedents, no other criminal case is pending against him and he has deep roots in society. Furthermore, the alleged offence is not of a heinous nature and hence no custodial interrogation of the petitioner is required. To buttress his arguments, learned counsel has placed reliance on the judgment of this Court titled as *Ashok Madan vs. State of Haryana and another* reported as 2020(4) RCR (Criminal) 87 to contend that where the main proceedings have subsequently been regularised and the accused has appeared before the Court, the continuation of proceedings under Section 174-A IPC may amount to abuse of the process of law. On the strength of these submissions, the grant of concession of anticipatory bail is entreated

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the present petition by arguing that the petitioner was declared a proclaimed person after following due procedure and, therefore, the offence under Section 209 of the BNS is independent of the main proceedings. Learned State counsel has iterated that once the petitioner has failed to appear despite proclamation, the FIR has been rightly registered. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It is not in dispute that the proclamation order has been passed against the petitioner in a proceedings arising out of a complaint under Section 138 of the Negotiable Instruments Act. From the perusal of the record, it transpires that after coming to know about the pendency of the proceedings, the petitioner has appeared before the Court below whereinafter he was granted the concession of bail in the main complaint case vide order dated 17.02.2026. The said order reflects that the Court below has considered the explanation of the petitioner regarding his earlier non-appearance and allowed him to join the proceedings. In the peculiar facts of the present case, the registration of the FIR in question is on account of the proclamation order passed in the main complaint case. Once the petitioner has already appeared before the Court below & his absence stands regularised by granting the concession of bail, the continuation of proceedings in the present FIR would not serve no useful purpose. Furthermore, the role attributed to the petitioner in the present case is limited only with regard to his earlier non-appearance before the Court below in complaint proceedings which stood condoned by his appearance

and participation in the trial. Moreover, it is also not the case of the prosecution that the petitioner has been involved in any other criminal case or his custodial interrogation is required for the recovery of any incriminating material. In the considered opinion of this Court, the allegations against the petitioner arise only out of procedural default in the complaint case which does not require his custodial interrogation at this stage.

7. Considering the totality of the factual *milieu* of the case in hand, particularly the fact that the petitioner has already joined the proceedings in the main case and has been granted the concession of bail therein, this Court is of the considered opinion that the petitioner no useful purpose would be served by incarcerating the petitioner.

8. Accordingly, the present petition is allowed. In the event of arrest of the petitioner in FIR *ibid*, he shall be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as envisaged under Section 482(2) of the BNSS.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 13, 2026
Ajay

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