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

CRM-M-31033-2026

Date of decision :27.05.2026

**Sitaram Mishra****.....Petitioner****versus****State of Haryana and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Naresh Kumar Ganga, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Prayer in the present petition is for quashing of impugned order dated 07.05.2026 (Annexure P-4) and all the subsequently proceedings arising therefrom in Complaint case No.NACT-414-2021.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He submits that the petitioner was regularly appearing before the trial Court, however, due to the serious illness of his wife, who was suffering from various ailments, the petitioner could not appear before the trial Court and ultimately, he was declared as a proclaimed person vide impugned order dated 07.05.2026 (Annexure P-4). He submits that absence of the petitioner was neither intentional nor willful. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion.



4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person, who remained absent despite orders.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite order and he was declared as proclaimed person. The reason given by the petitioner for his absence is that the petitioner's wife was suffering from various ailments which required continuous care. But now the petitioner is keen and ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, the present petition is disposed of and order dated 07.05.2026 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the trial Court concerned within ten days from the date of receipt of certified copy of this order, which will be paid to the complainant/respondent No.2. The trial Court will issue notice to the complainant and on his appearance Rs.10,000/- cost deposited by the petitioner will be released to him forthwith. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application, then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection



granted by this Court and order under challenge dated 07.05.2026 would come in force and the present petition shall be deemed to have been dismissed.

27.05.2026

( RAJESH BHARDWAJ )  
JUDGE

*ps-I*  
Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No