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

**CRM-M-32813-2026
Date of decision :04.06.2026**

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

Present :- Mr. Som Nath Saini, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 09.01.2026 (Annexure P-7) vide which the petitioner was declared as proclaimed person and further quashing of order dated 30.10.2025, vide which the bail granted to the petitioner was cancelled and bail bonds and surety bonds of the petitioner were forfeited to the State in Complaint case No.NACT-49-2019.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the complaint under Section 138 of the Negotiable Instruments Act. He submits that in the month of September, 2025 the petitioner suffered a fracture on his right leg and because of this reason, he could not return to India and therefore, could not appear before learned trial Court. He submits that due to non-appearance of the petitioner before learned trial Court, his bail was cancelled; bail/surety bonds were forfeited to State and non-bailable



warrants were issued against the petitioner vide order dated 30.10.2025 (Annexure P-2) and ultimately, he was declared as a proclaimed person vide impugned order dated 09.01.2026 (Annexure P-7). He further submits that the 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. 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.

4. 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 he suffered a fracture on his right leg and because of this reason, he could not return to India and therefore, could not appear before the trial Court. 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 orders dated 09.01.2026 and 30.10.2025 are *set aside* subject to payment of Rs.20,000/- 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.20,000/- 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.

5. 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 orders under challenge dated 09.01.2026 and 30.10.2025, would come in force and the present petition shall be deemed to have been dismissed.

04.06.2026
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(RAJESH BHARDWAJ)
JUDGE

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