



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

(223)

CRM-M-36154-2026 (O&M)Date of Decision: **10.07.2026**

RAJIV CHUGH

... Petitioner

Versus

M/S GANESH ENTERPRISES AND ANOTHER

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana
for respondent No.2.

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VIRINDER AGGARWAL, J. (Oral)

1. The present is the first petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the concession of regular bail in Complaint Case No. NACT/6603 dated 01.11.2018, pending before the Court of the learned Judicial Magistrate First Class, Karnal, under Section 138 of the Negotiable Instruments Act, 1881 (**Annexure P-4**).

2. Learned counsel for the applicant-petitioner submits that the complaint under Section 138 of the Negotiable Instruments Act is presently pending before the Court of the learned Judicial Magistrate First Class, Karnal, and that the applicant-petitioner has been in judicial custody since 13.04.2026. Learned counsel submits that the applicant-petitioner



could not appear before the learned Trial Court on account of compelling and *bona fide* circumstances, including his serious cardiac ailment, for which he is presently undergoing treatment at PGIMS, Rohtak under the supervision of the jail authorities. It is further submitted that his inability to appear was also occasioned by grave family hardships, financial distress in his business, and the sudden demise of his father. It is argued that the applicant-petitioner was subsequently arrested pursuant to the issuance of coercive process and has remained in custody thereafter. Since the trial is likely to consume considerable time before reaching its logical conclusion, it is contended that no useful purpose would be served by further prolonging his incarceration. Accordingly, prayer has been made for grant of the concession of regular bail.

3. Notice of motion.

4. At this stage, Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State and opposes the present petition, praying for its dismissal.

5. I have heard learned counsel for the parties at considerable length and have carefully perused the paper book as well as the material available on record with their able assistance.

6. Admittedly, the proceedings arise out of a complaint under Section 138 of the Negotiable Instruments Act, 1881, which pertains to the dishonour of a cheque and is essentially private in nature. The record reveals that the applicant-petitioner had been regularly appearing before the learned Trial Court; however, following the demise of his father on 08.06.2025, he remained absent from the proceedings, resulting in his



being declared a proclaimed offender vide order dated 22.09.2025. The applicant-petitioner has remained in judicial custody since **13.04.2026**. In the facts and circumstances of the present case, the period already undergone in custody is considered sufficient to impress upon the applicant-petitioner the necessity of diligently participating in the trial proceedings hereafter. Furthermore, the trial is not likely to conclude in the near future and is expected to consume considerable time before reaching its logical conclusion. Consequently, no useful purpose would be served by further prolonging the incarceration of the applicant-petitioner pending trial.

6.1. Accordingly, the present petition is **allowed**, and the applicant-petitioner is ordered to be released on regular bail, subject to his furnishing requisite bail and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate, as the case may be, and further subject to the following conditions:-

- i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.
- ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or indirectly, attempt to influence, intimidate, or contact any prosecution witness.
- iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport,



the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.

- iv. Before accepting the bail and surety bonds, the learned Illaqa Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the petitioner(s) the permanent residential address as well as the present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.
- v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.
- vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.
- vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior



permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of bail and issuance of appropriate coercive process, including warrants of arrest.

7. In view of the fact that the principal matter has been finally and conclusively adjudicated on merits, all pending miscellaneous applications, whether ancillary to, connected with, or arising out of the present proceedings, shall stand automatically disposed of *pari passu* in terms of the main judgment. Given that the substantive controversy has been resolved, the pending interlocutory applications, if any, have been rendered infructuous and disposed of accordingly.

10.07.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No