

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

**CRM Nos.18995 and 18996 of 2018 IN/AND
CRM-M No.16156 of 2018 (O&M)
Date of decision: 23.05.2018**

Sanjay Saxena

....Petitioner

Versus

Manish Gupta

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Dr. Naresh Kaushik, Advocate
with Mr. Asghar Khan, Advocate,
Mr. Akshit, Advocate, Mr. Jamal Khan, Advocate
Mr. Abdul Tahir Khan, Advocate
and Mr. Arsh Bhalla, Advocate for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

CRM-18995-2018

Heard.

Allowed as prayed for.

Documents (Annexures P8 to P11) are taken on record
subject to all just exceptions.

CRM-18996-2018

Prayer in this application is for early hearing of the main
petition.

Heard.

For the reasons stated in the application, the same is
allowed and the date fixed in the main petition i.e. 16.07.2018, is
preponed for today and the main case is taken up today for hearing.

CRM-M No.16156 of 2018 (O&M)

Prayer in this petition is for quashing of criminal complaint
No.2579/2016 dated 24.02.2016 titled as 'Manish Gupta vs Sanjay
Saxena' (Annexure P1) filed under Section 138 of the Negotiable
Instruments Act as well as the summoning order dated 16.03.2016

(Annexure P2) and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner, at the very outset, submits that he may be permitted to withdraw the present petition with liberty to the petitioner to move an application for discharge along with all the supporting documents and personal appearance of the petitioner before the trial Court may be exempted permanently during pendency of the trial.

After hearing learned counsel for the petitioner, this petition is ordered to be dismissed as withdrawn, by granting exemption to the petitioner from personal appearance before the trial Court subject to the following conditions: -

- (i) he will be represented by a counsel;*
- (ii) he will not delay/stall the proceedings of the trial Court;*
- (iii) he will not dispute his identity as accused;*
- (iv) he will have no objection if the prosecution evidence is recorded in his absence but in presence of his counsel;*
- (v) he will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.*

In case the petitioner file an application for discharge within a period of 15 days from today, the trial Court will decide the same expeditiously, in accordance with law, preferably within a period of 03 months from the date of receipt of certified copy of this order.

(ARVIND SINGH SANGWAN)
JUDGE

23.05.2018
yakub

Whether speaking/reasoned: Yes/No