

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

**CRM-M No.19349 of 2016
Decided on: 13.11.2018**

Pankaj Ahuja

....Petitioner

Versus

Rajinder Singh

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Khurana, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of complaint bearing No.20580012261/2015 (Annexure P12), filed under Section 138 of the Negotiable Instruments Act, 1881 as well as the summoning order dated 18.12.2015 (Annexure P13) and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner at the very outset submits that the petitioner has already moved an application for discharge before the trial Court and the same is pending adjudication, therefore, he may be permitted to withdraw the present petition and personal appearance of the petitioner before the trial Court may be exempted permanently during pendency of the trial in view of the judgment of the Hon'ble Supreme Court in "*M/s Meters and Instruments Private Limited and another vs. Kanchan Mehta*", 2017 (4) RCR (Cr1.) 476.

After hearing learned counsel for the petitioners, this

petition is disposed of, by granting exemption from personal appearance to the petitioner 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 an 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.*

The trial Court is directed to decide the application for discharge, already filed by the petitioner expeditiously in accordance with law, preferably within a period of 03 months from the date of receipt of certified copy of this order.

Disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

13.11.2018

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No