

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-28166-2018 in/and
CRM-M-30366-2018 (O&M)
Date of decision: 16.08.2018

Bhagwati Parsad

...Petitioner

Versus

M/s Wholly Joy Products Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

CRM-28166-2018

Prayer in this application is for recalling/modification of the order dated 20.07.2018.

For the reasons stated in the application, same is allowed. The order dated 20.07.2018 passed by this Court is hereby recalled and the main petition is restored to its original number.

CRM stands disposed of.

CRM-M-30366-2018

Prayer in this petition is for quashing of complaint No.6129/2017 dated 06.12.2017 filed under Section 138 of the Negotiable Instruments Act and the summoning order dated 06.12.2017 as well as all the 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 in view of the judgment of the Hon'ble Supreme Court in **M/s Meters and Instruments Private Limited and anr. Vs. Kanchan Mehta, 2017 (4) RCR (Crl.) 476.**

After hearing learned counsel for the petitioner, 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 appear before the trial Court and the trial Court will release him on bail, in case he has not appeared so far;*
- (ii) *he will be represented by a counsel;*
- (iii) *he will not delay/stall the proceedings of the trial Court;*
- (iv) *he will not dispute his identity as accused;*
- (v) *he will have no objection if the prosecution evidence is recorded in his absence but in presence of his counsel;*
- (vi) *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 files 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 three months from the date of receipt of certified copy of this order.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

16.08.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No