

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

**CRM-M-31401-2017
Date of decision: 16.10.2018**

Abhishek Sharma

...Petitioner

Versus

M/s Waraich Brothers & Company

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Baljinder Singh, Advocate for
Mr. Rakesh Gupta, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of the complaint bearing No. COMP/809/2016, dated 08.09.2016 titled as **M/s Waraich Brothers & Company Vs. M/s Gee Ess Industries & others**, registered under Section 138 of the Negotiable Instruments Act, along with all consequential 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 submits that 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 they have 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.

Liberty is granted to file a fresh petition, if so required.

Disposed of, accordingly.

October 16, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No