

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

**CRM-M No.41258 of 2018
Decided on: 01.11.2018**

M/s. Gill Timber Company and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashish Aggarwal, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of complaint bearing No.NACT/5/2018 dated 06.01.2018 (Annexure P1), filed under Section 138 of the Negotiable Instruments Act, 1881 as well as the summoning order dated 12.02.2018 (Annexure P2) and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioners, at the very outset, submits that he may be permitted to withdraw the present petition with liberty to the petitioners to move an application for discharge along with all the supporting documents and personal appearance of the petitioners 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 (Crl.) 476.

After hearing learned counsel for the petitioners, this petition is disposed of, by granting exemption from personal

appearance to the petitioners before the trial Court subject to the following conditions:-

- (i) they will be represented by a counsel;*
- (ii) they will not delay/stall the proceedings of the trial Court;*
- (iii) they will not dispute their identity as accused;*
- (iv) they will have no objection if the prosecution evidence is recorded in their absence but in presence of their counsel;*
- (v) they 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 petitioners 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.

Disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

01.11.2018

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No