

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

**CRM-M-43363-2018
Date of decision: 29.11.2018**

Rajpal

...Petitioner

Versus

Jassa Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Matinder Brar, Advocate for
Mr. Vivek Salathia, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of criminal complaint No. 396 dated 09.07.2018 titled as ***Jassa Singh vs. M/s Burhma Trading Co. & others***, filed under Section 138 of the Negotiable Instruments Act (Annexure P-1) and the summoning order dated 09.07.2018 (Annexure P-2) 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 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 parties, 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 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 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.

November 29, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No