

In the High Court of Punjab & Haryana at Chandigarh.

Date of decision: 30.04.2018

CRM-M-5336-2014

Paran Jain

..... Petitioner.

vs.

Arun Gupta

..... Respondent.

CRM-M-26937-2014

Surinder Kumar Kalra

..... Petitioner.

vs.

Arun Gupta and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raman Sharma, Advocate
for the petitioner in CRM-M-5336-2014.

Mr. P.S.Sekhon, Advocate
for the petitioner in CRM-M-26937-2014

Mr. Ravish Bansal, Advocate
for the respondent in CRM-M-5336-2014 and
for respondent No.1 in CRM-M-26937-2014.

ARVIND SINGH SANGWAN,J.(ORAL)

Prayer in these petition is for quashing of complaint No. 135 dated 20.05.2013 and the summoning order dated 24.05.2013.

The present petitions were filed in 2014 and the proceedings before the trial Court were stayed on 12.02.2014.

Counsel for the petitioner(s) submits that no proper notice was ever issued to petitioner-Paran Jain, and the cheque was issued by accused No. 1 and 2. As per the complaint, the petitioner(s) or the firm where the petitioner (s) is a partner, never issued a cheque.

These are disputed questions of fact. The petitioner(s) is stated

to be residing at a distant place. Accordingly, these petitions are disposed of by granting liberty to the petitioner(s) to move an appropriate application before the trial Court for discharging them, and the same will be decided by the trial Court in accordance with law after affording an opportunity of hearing to both the parties. The personal appearance of the petitioner(s) shall, however, remain exempted, subject to furnishing an undertaking before the trial Court that the petitioner(s) shall be represented through their counsel; shall not delay/stall the proceedings of the trial; shall not dispute their identity as accused; shall have no objection if the prosecution evidence is recorded in their absence, but in the presence of their counsel; they shall put in appearance as and when required by the trial Court and comply with any other condition which the trial Court may impose.

However, it will be open for the trial Court to recall the order granting exemption from personal appearance if the petitioner(s) fails to abide by the above terms and conditions and the petitioner(s) will appear before the trial Court on any substantive date as and when their personal appearance is required.

Since, the matter is remained pending before this Court for a period of 04 years, the trial Court is directed to decide the application expeditiously preferably within a period of 03 months from the date of filing of the same.

30.04.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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