IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46214-2017 (O&M)
Date of decision: 14.11.2018

Harinder Singh Ahuja

...Petitioner

Versus

M/s Central Agro Corporation

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pardeep Virk, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, Advocate
for the respondent.

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ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of complaint No.657 dated 27.10.2016 titled as M/s Central Agro Corporation Vs. Ahuja Global India Ltd. and others filed under Section 138 of the Negotiable Instruments Act (for short 'N.I. Act) read with Section 141 of N.I. Act and 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**

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High Court, Chandigarh

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 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.

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

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

14.11.2018
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Whether speaking/reasoned Yes/No
Whether reportable: Yes/No

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