

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

**CRM-M-49082-2018
Date of decision: 02.11.2018**

Bhojraj Teli

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Akshay Bhan, Senior Advocate with
Mr. Gurmohan Singh Bedi, Advocate &
Mr. Faraz Maqbool, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of the summoning order dated 18.09.2018 (Annexure P-1 Colly.), passed by the trial Court, vide which, the petitioner has been summoned to face trial in complaint No. NACT/1401/2017 dated 24.08.2017 titled as ***Balkaran Singh vs. Bhoj Raj***, filed under Section 138 of the Negotiable Instruments Act, 1881.

Learned senior counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court rendered in ***M/s Meters and Instruments Private Limited and anr. Vs. Kanchan Mehta, 2017 (4) RCR (Crl.) 476*** to submit that he may be permitted to withdraw instant petition with liberty to the petitioner to move an application for discharge along with all the supporting documents and since the petitioner is an aged person, who is residing in Pune, in view of the judgment of Hon'ble Supreme Court rendered in ***M/s Bhaskar Industries Ltd. Vs. M/s Bhiwani Denim & Apparels Ltd., 2001 (4) RCR (Crl.) 137***, his personal appearance before the trial be dispensed with and he may be permitted to appear before the trial

Court through his counsel.

In view of the above, this petition is disposed of.

However, in view of the judgment rendered by Hon'ble Supreme Court in *M/s Bhaskar Industries Ltd.* (supra), the petitioner is granted exemption from personal appearance 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 thereafter.

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

November 02, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*