IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.5154 of 2018
Decided on: 17.09.2018

Anil Jindal

....Petitioner

Versus

Chander Kiran Tyagi

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Shiv Kumar, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of complaint bearing No.4750 of 2017 dated 28.09.2017, filed under Section 138 of the Negotiable Instruments Act, 1881 and the summoning order dated 03.10.2017 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 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 Private Limited and another vs. Kanchan Mehta"*, 2017 (4) RCR (Crl.) 476.**

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

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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 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

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

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