

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6089-2018
Date of decision: 14.02.2018

Arunpreet Singh

... Petitioner

Vs.

Ramneet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Bhikhi, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint No.COMA/4256/2017 dated 21.04.2016 titled as Ramneet Singh Vs. Arunpreet Singh under Section 138 of Negotiable Instruments Act (for short 'N.I. Act') as well as the summoning order dated 21.04.2017, vide which the petitioner was summoned to face the trial.

Learned counsel for the petitioner, at the very outset, submits that he does not want to press this petition on merits of the case and will raise all the pleas/defences during the trial in this regard and restricts his arguments with regard to grant of exemption from personal hearing on each and every date. Counsel for the petitioner has relied upon **M/s Bhaskar Industries Ltd. Vs. M/s Bhiwani Denim & Apparels Ltd., 2001 (4) RCR (CrI.) 137**, in which the Hon'ble Supreme Court has held that in complaint under Section 138 of N.I. Act, exemption from personal appearance can be granted to an accused person

subject to the conditions that he will be represented by his counsel; he will not object to the evidence led in his absence; he will authorize his counsel to move all the miscellaneous applications/replies; he will appear before the trial Court in case of some effective proceedings, as directed by the trial Court and it will be open for the trial Court to recall the order granting exemption from personal appearance, in case the counsel representing the accused person in the trial Court fails to cooperate with the proceedings.

In view of the above, this petition is disposed of. In case the petitioner moves an application under Section 205 Cr.P.C., the trial Court will grant exemption from personal appearance on the aforesaid grounds.

[ARVIND SINGH SANGWAN]
JUDGE

14.02.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No