

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

**CRM-M No.6388 of 2019 (O&M)
Date of Decision: 11.02.2019**

Kartar Singh @ Toni

.....Petitioner

Versus

Baljit Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of Criminal Complaint under Section 138 of the Negotiable Instruments Act, 1881 (**P-1**) as well as summoning order dated 28.09.2018 (**P-2**) along with all consequential proceedings arising therefrom.

After arguing for sometime, learned Counsel for the petitioner confined his prayer only up to the extent of seeking exemption from personal appearance of the petitioner before learned trial Court up to the stage of recording the statement under Section 313 Cr.P.C.

Prayer seems to be justified and accepted.

Consequently, the present petition is disposed off with liberty to the petitioner to appear through his Counsel before learned trial Court uptill the stage of recording the statement under Section 313 Cr.P.C., but it is made clear that in case any adverse order is passed against the petitioner, he shall not raise any grievance against the same, subject to the following conditions:-

- (i) petitioner shall be represented through Counsel;
- (ii) shall not delay/stall the trial proceedings;
- (iii) shall not dispute their identity as accused;
- (iv) shall have no objection if the prosecution evidence is recorded in their absence, but in the presence of their Counsel;
- (v) shall appear before learned trial Court as and when required;
- (vi) any other condition which the learned trial Court may impose.

February 11, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No