

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner(s).

Mr. Rishav Jain, Advocate
for the respondent(s)

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above mentioned seven petitions as they involve the same parties and seek quashing of the similar complaints/orders.

These all seven petitions have been filed under Section 482 Cr.P.C. for quashing of the Complaints No.**1016-2017, 1017-2017,1011-2017, 1018-2017, 1014-2017, 1015-2017 and 1009-2017** dated 31.10.2017 titled as “Sandeep Goyal Vs. M/s Shakti Bhog Foods Limited and others” under the Negotiable Instruments Act, pending in the Court of Judicial Magistrate 1st Class, Sangrur, along with all subsequent proceedings arising therefrom, including the summoning order dated 3.11.2017 (Annexure P-1).

Counsel for the petitioner(s) submits that there are as many as nine accused, however, only the petitioner has put in appearance so far. Counsel further submits that he may be permitted to withdraw the present petition with liberty to the petitioner(s) to move an application for discharge along with all the supporting documents and the trial Court will decide the same on merits without considering the fact that other accused have put in appearance or not and will deal with all the contentions raised by counsel for the petitioner in the application for discharge 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 (CrI.) 476.**

Counsel for the petitioner has also relied upon the judgment **M/s Bhaskar Industries Limited Vs. M/s Bhiwani Denim & Apparels Limited, 2001(4) RCR (Criminal) 137**, wherein it has been held by the Hon'ble Supreme Court that in the proceedings under Section 138 of the Negotiable Instruments Act, the accused can be represented by a counsel even without putting in appearance before the trial Court.

After hearing learned counsel for the parties, these petitions are disposed of, by granting exemption from personal appearance to the petitioner(s) 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(s) files an application for discharge within a period of 15 days from today, the trial Court will decide the same on merits expeditiously, preferably within a period of three months from the date of receipt of certified copy of this order.

Liberty is granted to the petitioner(s) to file a fresh petition in case an adverse order is passed against him.

The above mentioned petitions are disposed of, accordingly.

May 15, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

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