

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

**CRM-M No.17946 of 2019 (O&M)
Decided on: 13.05.2019**

Suninder Sandha

....Petitioner

Versus

Ankita Tyagi and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Adhirath Singh, Advocate
with Mr. Raghav Dayal Gupta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.13082 of 2019

Heard.

Allowed as prayed for.

CRM-M No.17946 of 2019 (O&M)

Prayer in this petition is for quashing of criminal complaint bearing No.17157 of 2017 filed on 28.10.2017 (Annexure P7) under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 and all other subsequent proceedings arising therefrom as well as for setting-aside the summoning order dated 20.01.2018 (Annexure P1).

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 (CrI.) 476.

Learned 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 petitioner, this petition is disposed of, by granting exemption from personal 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 files an application for discharge within a period of 15 days from today, the trial Court will decide the same on merits, 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.

Liberty is granted to the petitioner to file a fresh petition in case an adverse order is passed.

(ARVIND SINGH SANGWAN)
JUDGE

13.05.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No