

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 42054 -2013

Date of decision: 22.05.2019

Jagjiwan Singh

... Petitioner

Vs.

Sandeep Kumar Goyal

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashasvi Kapila, Advocate for
Mr. N.K. Setia, Advocate
for the petitioner.

Mr. D.S. Randhawa, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint dated 06.03.2012 titled as 'Sandeep Kumar vs. Jagjiwan Singh' for the commission of offence under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act') pending in the Court of Sub Divisional Judicial Magistrate, Jagraon as well as all the consequential proceedings arising therefrom.

This petition is pending since 2013 and the record of the case was summoned on 24.08.2015. As per the report of the trial Court, the record has already been sent to this Court.

Counsel for the petitioner has argued that the cheque in dispute i.e. Ex.C1 pertains to one Pawan Kumar and the petitioner is neither joint holder of any account with said Pawan Kumar nor can be liable for dishonouring of the cheque issued by said Pawan Kumar. He further submits that since the complaint filed under Section 138 of the NI Act is not

maintainable, he may be permitted to withdraw this petition with liberty to move an application for discharge alongwith permission to take all the pleas before the trial Court at the time of deciding the application of discharge.

Dismissed as withdrawn with the liberty aforesaid.

In case, the application for discharge alongwith documents is moved within a period of one month from today, the same shall be decided within three months thereafter, on merits.

The Registry is directed to remit back the record immediately.

Till the application for discharge is decided, personal appearance of the petitioner shall remain exempted subject to the condition that he will be represented by a counsel; he will not delay/stall the proceedings of the trial Court; he will not dispute his identity as accused; he will have no objection if the evidence is recorded in his absence but in presence of his counsel; he will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may also impose.

[ARVIND SINGH SANGWAN]
JUDGE

22.05.2019
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Whether speaking/reasoned : Yes
Whether Reportable : No