

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 53764 of 2018
Date of Decision: 17.12.2019**

Raj Bala

.....Petitioner

Versus

Utar Haryana Bijli Vitran Nigam Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karan Singh, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed for quashing of complaint No. 48 of 2017 qua the petitioner titled 'UHBVNL and another versus M/s Desraj Rajiv Kumar and others' dated 15.3.2016 (Annexure P-1) under Section 138/142 of Negotiable Instruments Act, 1881 and all the consequent proceedings arising therefrom including the summoning order dated 15.3.2016 (Annexure P-2).

Learned counsel for the petitioner submits that the cheque in question was issued on 6.1.2016 whereas the petitioner being a silent partner resigned from the company on 29.3.2013. Counsel for the petitioner 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 exemption from personal appearance of the petitioner before the trial Court 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)*

After hearing learned counsel for the petitioner, this petition is ordered to be dismissed as withdrawn, by granting exemption from personal appearance to the petitioner before the trial Court subject to the following conditions: -

- (1) she will be represented by a counsel;
- (2) she will not delay/stall the proceedings of the trial Court;
- (3) she will not dispute her identity as an accused;
- (4) she will have no objection if the prosecution evidence is recorded in her absence but in presence of her counsel;
- (5) she 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 file an application for discharge within a period of 15 days from today, the trial Court will decide the same expeditiously in accordance with law, preferably within a period of 04 months from the date of receipt of certified copy of this order.

The trial Court is also directed to decide the application for discharge on merits without raising an objection regarding the maintainability of the same.

(HARNARESH SINGH GILL)
JUDGE

December 17, 2019
Gurpreet

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