

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

**CRM-M No.44279 of 2019
Decided on: 17.10.2019**

Naresh Kumar and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of criminal complaint bearing No.COMI/9102/2017 dated 13.12.2017, filed under Section 138 of the Negotiable Instruments Act, 1881 as well as the summoning order dated 11.07.2019 along with all other consequential proceedings arising therefrom.

Counsel for the petitioners, at the very outset, submits that he may be permitted to withdraw the present petition with liberty to the petitioners to move an application for discharge along with all the supporting documents and personal appearance of the petitioners 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.

After hearing learned counsel for the petitioners, this petition is ordered to be dismissed as withdrawn, by granting exemption from personal appearance to the petitioners before the trial Court

subject to the following conditions: -

- (i) *they will be represented by a counsel;*
- (ii) *they will not delay/stall the proceedings of the trial Court;*
- (iii) *they will not dispute their identity as an accused;*
- (iv) *they will have no objection if the prosecution evidence is recorded in their absence but in presence of their counsel;*
- (v) *they 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 petitioners 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.

(ARVIND SINGH SANGWAN)
JUDGE

17.10.2019
yakub

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