

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45294-2019 (O&M)

Date of decision: 23.10.2019

Gaganjot Kaur

...Petitioner

Versus

M/s Himalayan Developers

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ravish Bansal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of criminal complaint No.NACT-372/2018 filed on 09.10.2018 titled as M/s Himalayan Developers Vs. Gaganjot Kaur under Section 138 of the Negotiable Instruments Act and the summoning order dated 10.12.2018 as well as all the subsequent proceedings arising therefrom.

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 anr. Vs. Kanchan Mehta, 2017 (4) RCR (Crl.) 476.**

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) *she will appear before the trial Court and the trial Court will release her on bail, in case she has not appeared so far;*
- (ii) *she will be represented by a counsel;*
- (iii) *she will not delay/stall the proceedings of the trial Court;*
- (iv) *she will not dispute her identity as accused;*
- (v) *she will have no objection if the prosecution evidence is recorded in her absence but in presence of her counsel;*
- (vi) *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 files an application for discharge within a period of 15 days from today, the trial Court will decide the same on merits without raising objection to maintainability and also expeditiously in accordance with law, preferably within a period of three months from the date of receipt of certified copy of this order.

Liberty is granted to the petitioner to the file a fresh petition, if so required.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

23.10.2019
vishnu

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