

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50130-2019 (O&M)

Date of decision: 26.11.2019

Suneet Bansal

...Petitioner

Versus

Manjit Singh Building Material Pehowa

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pawan Attri, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of criminal complaint bearing CIS No.187/2017, date of institution 04.09.2017, filed under Sections 138/142 of the Negotiable Instruments Act and all the consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that as per averments made in the complainant, when the legal notice was sent to the petitioner, the same was returned back with the objection that no such person on the given address reside and therefore, no service was effected upon the petitioner. Learned counsel prays 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.

Dismissed as withdrawn with liberty aforesaid.

In case the petitioner moves an application for discharge within a period of 15 days from today, the trial Court will decide the same on merits without raising any objection regarding its maintainability.

Till disposal of the application for discharge to be moved by the petitioner, his personal appearance shall remain exempted 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.*

26.11.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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