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

CRM-M-41496-2022

Date of decision : 01.12.2022

M/s Mohit Saklani Traders and another

...Petitioners

Versus

Jatinder Singh through LRs

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Grewal, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing/setting aside the complaint No.NACT-111-2018 dated 25.05.2018 under Section 138 of the Negotiable Instruments Act, 1881 and also summoning order dated 24.07.2018, vide which, the petitioners have been summoned under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioners has submitted that in the present case, the petitioners had got FIR registered on the ground that cheques in question had been stolen and in the said case, FSL report has been submitted, as per which, the signatures on the said cheques were not of the present petitioners and further submitted that although, there are arguable points in the case but since, the complaint and summoning order are of the year 2018, thus, he seeks permission of this Court to withdraw the

present petition with liberty to the petitioners to take up all the points as raised in the present petition and available to them, at the relevant stage before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioners has further made a prayer that petitioner No.2 is a resident of Himachal Pradesh whereas the proceedings in the complaint case are pending at District Panipat, Haryana, thus, prays that his personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for the petitioners, the personal appearance of petitioner No.2 before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner No.2 shall be represented through his counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute his identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in his absence, but in the presence of his counsel and will never raise a plea either before the trial Court or in appeals/revisions etc. that the prosecution evidence has been recorded in his absence or the proceedings have been conducted in his absence;
- v) shall appear before the trial Court as and when required by the trial Court;
- vi) any other condition which the trial Court may impose.

01.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No