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

CRM-M-11869-2024

Date of decision: 06.03.2024

Gurpreet Singh

....Petitioner

Versus

Lakhwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.S. Sidhu, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint (NACT/53/2021) dated 01.02.2021 titled as 'Lakhwinder Singh Vs. Gurpreet Singh' filed under Section 138 of the Negotiable Instruments Act, 1881, before the learned Chief Judicial Magistrate, Fatehgarh Sahib (Annexure P-4) as well as summoning order dated 08.02.2021 issued by the learned Judicial Magistrate 1st Class, Fatehgarh Sahib (Annexure P-5) along with all subsequent proceedings.

Learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at appropriate stage. However, he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court as the petitioner is an agriculturalist and belongs to Village Behman Kaur Singh, Talwandi Sabo, District Bathinda, whereas, the trial of the complaint (*supra*) is pending before the learned Judicial Magistrate

1st Class, Fatehgarh Sahib and attending trial on each and every date would cause great hardship and inconvenience to him and also affect his livelihood.

The instant petition is dismissed as withdrawn with the liberty aforesaid. However, in view of the ratio laid down by this Court in CRM-M-25963-2023 titled as ‘Suresh Kumar and another Vs. The State of Haryana and another’ 2023 (2) Law Herald 1498, the personal appearance of the petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioner 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;
- v) shall appear before the trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

(HARPREET SINGH BRAR)
JUDGE

06.03.2024
Neha

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