

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-13062 of 2024
Date of Decision: March 14, 2024

Virender Singh Grewal

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner

Ms. Geeta Sharma, DAG Haryana

Harpreet Singh Brar, J. (Oral)

1. The petitioner has approached this Court under Section 482 Cr.P.C. for quashing of complaint COMA No. 237 of 2019 which was instituted on 06.04.2019 (Annexure P-1) titled as *M/s Baba Motors vs. Virender Singh Grewal* in the Court of Judicial Magistrate 1st Class, Bahadurgah, District Jhajjar filed by respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner wishes to withdraw this petition and he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court on the ground that the petitioner is a resident of Charkhi Dadri and the trial of the complaint (supra) is pending at District Jhajjar and to attend the trial physically on each and every date of hearing would cause great hardship and inconvenience to the petitioner.

3. The instant petition is dismissed as withdrawn. 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

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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.

March 14, 2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No