

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2025:PHHC:141534



CRM-M-53253-2025 (O&M)
Date of decision: 13.10.2025.

PRAVEEN JASWANT RAI AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Gursimran Singh, Advocate,
for the petitioner(s).

VINOD S. BHARDWAJ, J. (Oral)

Seeking quashing of complaint bearing No.COMA-5468 of 2019 titled as “Kotak Mahindra Bank Vs. M/s Ptraans Logistics India Pvt. Limited” filed under Section 138 of the Negotiable Instruments Act, 1881, pending before the Judicial Magistrate First Class, Ludhiana and the summoning order dated 05.04.2019 along with all the consequential proceedings arising therefrom, the present petition has been filed.

Learned counsel appearing for the petitioner contends that at this stage, he does not press the prayer for seeking quashing of the complaint as well as the summoning order and confines his prayer only to the extent of grant of an exemption from personal appearance of the petitioners before the

trial Court. He contends that complaint in the present case pertains to dishonour of cheque bearing No.459301 dated 31.01.2019 (In complaint date mentioned as 11.01.2019) of Rs.5 crores which was issued to settle the outstanding dues of credit/overdraft facility. He contends that the complainant Company namely M/s Energy Therapy Co. (ETC) Private Limited (formerly known as Ptraans Logistics Private Limited) has already invoked the jurisdiction of the National Company Law Tribunal, Mumbai Bench by filing Company Petition bearing No.542/IBC/2023 wherein Interim Resolution Professional (IRP) has already been appointed and moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 has been imposed vide order dated 16.02.2024. He contends that the petitioners are residents of Mumbai and are required to appear on different dates before the Court at Ludhiana. He submits that even though the account in question was being operated in Mumbai, yet, the cheque was presented in a Branch at Ludhiana only to harass the petitioners. He contends that in view of the judgment passed by this Court in the matter of **Suresh Kumar and another Vs. The State of Haryana and another, passed in CRM-M-25963-2023 decided on 22.05.2023**, the exemption from personal appearance be granted.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Pradeep Sharma, Advocate, enters appearance and accepts notice on behalf of respondent No.2-Kotak Mahindra Bank Limited. He does not dispute the law cited by the counsel for the petitioners.

After hearing the learned counsel for the parties, I find the

aforesaid prayer made on behalf of the petitioners to be reasonable. The procedure of law is not intended to inflict punishment or undue harassment. Besides this, the distance between Mumbai and Ludhiana has itself become a reason for delay in conclusion of the trial. The complaint having been instituted in the year 2019, the same is still pending before the trial Court despite a lapse of nearly 06 years.

Accordingly, the present petition is disposed of in view of the ratio of law laid down by this Court in the matter of **Suresh Kumar and another (supra)**, by exempting the personal appearance of the petitioners before the trial Court subject to the following conditions: -

- i). Petitioners shall be represented through their counsel;
- ii). Petitioners shall not delay/stall the trial proceedings;
- iii). Petitioners shall not dispute their identity as accused;
- iv). Petitioners shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;
- v). Petitioners shall appear before the trial Court as and when required; and
- vi). any other condition, which the trial Court may impose.

October 13, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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