

M/s. Gill Timber Company v. State of Punjab, (Punjab And Haryana) : Law Finder Doc Id # 1356992

**PUNJAB AND HARYANA HIGH COURT**

Before:- Arvind Singh Sangwan,J.

Criminal Misc-M No. 41192 of 2018 D/d. 01.11.2018.

M/s. Gill Timber Company and others - Petitioners

**Versus**

State of Punjab and another - Respondents

For the Petitioner:-Mr. Ashish Aggarwal, Advocate.

For the Respondent:-None.

**Negotiable Instruments Act, 1881 Section [138](#) Complaint under - Quashing of Petition for - Petitioners submitted for permission to withdraw present petition with liberty to them to move an application for discharge along with all supporting documents and personal appearance before trial Court may be exempted permanently during pendency of trial - Held, petition is disposed of, by granting exemption from personal appearance to petitioners before trial Court subject to conditions.**

[Paras 2 and 3]

Case Referred :

[M/s Meters and Instruments Private Limited v. Kanchan Mehta, 2017 \(4\) RCR \(Crl.\) 476.](#)

JUDGMENT

**Arvind Singh Sangwan, J.** - Prayer in this petition is for quashing of complaint bearing No.NACT/7/2018 dated 06.01.2018 (Annexure P1), filed under section [138](#) of the Negotiable Instruments Act, 1881 as well as the summoning order dated 12.02.2018 (Annexure P2) and all other subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners, at the very outset, submits that he may be permitted to withdraw the present petition with liberty to the petitioners to move an application for discharge along with all the supporting documents and personal appearance of the petitioners before the trial Court may be exempted permanently during pendency of the trial in view of the judgment of the Hon'ble Supreme Court in "**M/s Meters and Instruments Private Limited and another v. Kanchan Mehta**", 2017 (4) RCR (Crl.) 476.

3. After hearing learned counsel for the petitioners, this petition is disposed of, by granting exemption from personal appearance to the petitioners before the trial Court subject to the following conditions:-

- i) they will be represented by a counsel;
- (ii) they will not delay/stall the proceedings of the trial Court;
- (iii) they will not dispute their identity as accused;
- (iv) they will have no objection if the prosecution evidence is recorded in their absence but in presence of their counsel;
- (v) they will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose. In case, the petitioners file an application for discharge within a period of 15 days from today, the trial Court will decide the same expeditiously in accordance with law, preferably within a period of 03 months from the date of receipt of certified copy of this order. Disposed of, accordingly.

Petition disposed of.