

Anatagen Badu Alias Antaryami Badu and another
..... Petitioners

Versus

State of Haryana and another
..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sunil Mallan, Advocate
for the petitioners.

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

Counsel for the petitioner at this stage while limiting his arguments only qua quashing of order dated 26.02.2019 (Annexure P-3) whereby the petitioner was declared as proclaimed person in a Criminal Complaint NIA-113-2016 dated 10.03.2016 titled as “*Kalpataru Nayak Vs. Antagen Badu*” (Annexure P-1) under Section 138 NI Act submits that petitioner No.1 who is Managing Director of petitioner No.2 is permanent resident of Bhubneshwar (Orissa) and he never received any notice, summons or warrants from the Court concerned with regard to pendency of the aforesaid Criminal Complaint (Annexure P-1). It is further submitted that even otherwise the offence under Section 138 NI Act is bailable offence and petitioner No.1 is ready to appear before the learned trial Court and in order to show his bona fide he is also willing to deposit half of the disputed amount with the learned trial Court.

2. Undoubtedly, offence under Section 138 NI Act is a bailable offence and on the appearance of the petitioner No.1 before the trial Court, the impugned order dated 26.02.2019 (Annexure P-3) will

automatically come to an end along with all the subsequent proceedings, if any, taken up by the learned trial Court on the basis of impugned order dated 26.02.2019 (Annexure P-3).

3. In view of the above, without expressing any opinion on the merits of the case and without issuance of any notice to respondent No.2, the present petition is hereby disposed of with direction to petitioner No.1 to appear before the learned trial Court within next 4 weeks and on his doing so, petitioner No.1 is to be released on regular bail by the said Court to its own satisfaction, further subject to deposit of Rs.1,00,000/- by the petitioner No.1 with the trial Court.

4. The present petition is hereby disposed of in aforesaid terms.

05.03.2024

Priyanka Thakur

(KARAMJIT SINGH)

JUDGE

1. Whether speaking/reasoned:Yes/No

2. Whether reportable:Yes/No