

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 24354 of 2020 (O&M)
Date of decision : 7.1.2021

Prateek Nepalia
.....Petitioner

vs.

State of Haryana
.....Respondent

CRM-M- 9192 of 2020 (O&M)
...

Ranadeep Ghosal and another
.....Petitioners

vs.

State of Haryana
.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ritesh Aggarwal, Advocate for
Mr. Navkesh Singh, Advocate for the petitioner
(in CRM-M-24354-2020)

Mr. Vishwendra Verma, Advocate for the petitioners
(in CRM-M-9192-2020)

Mr. Karan Garg, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Vide this order, I intend to dispose of two petitions, bearing
CRM-M-24354-2020 titled as 'Prateek Nepalia vs. State of Haryana'
and CRM-M-9192-2020 titled as 'Ranadeep Ghosal and another vs.
State of Haryana', as both these petitions have arisen out of the same

FIR.

Petitioner - Prateek Nepalia, aged about 40 years, son of P.L. Nepalia, resident of Plot No. 2181, 3rd Floor, Greenfield Colony, Faridabad has filed CRM-M-24354-2020, whereas Ranadeep Ghosal, aged about 35 years, s/o Bipulendu Goshal and Ashima Malhotra, aged about 31 years, w/o Puneet Bhalla, both Directors of M/s UNI Assist Edutech Pvt. Ltd., Unit No. 130-104, Vipul Agura, MG Road, Gurugram, Haryana, have filed CRM-M-9192-2020, for grant of pre-arrest bail, in case FIR No. 17 dated 10.1.2020, for offences under Sections 406, 420, 467, 468, 471 read with Section 120-B IPC, registered at Police Station DLF Gurugram.

Briefly stated, facts of the case, as per prosecution story, are that Vineet Puri son of complainant Sanjeev Puri, wanted to go to Germany for higher education and for that purpose he had contacted Randeep Ghosal, Director of Uni Assist Edutech Pvt. Limited. Vineet Puri was informed that he would incur expenses to the tune of Rs. 5-6 lacs for going to Germany. However, the education in that country would be free. The complainant had paid Rs.82,600/- and Rs.2,95,000/- to that concern. However, neither immigration of Vineet Puri to Germany was caused nor money was returned to the complainant. On a complaint submitted by complainant Sanjeev Puri, father of Vineet Puri, formal FIR was registered.

Apprehending his arrest in this case, the petitioner -accused Prateek Nepalia, had approached the Court of Sessions at Gurugram for grant of pre-arrest bail by moving an application in that regard. However, his such application, which was assigned to Additional

Sessions Judge, Gurugram, was dismissed vide order dated 4.8.2020. Whereas Ranadeep Ghosal and Ashima Malhotra had also sought pre-arrest bail from the Court of Sessions at Gurugram, but were unsuccessful. Their such application was dismissed by Additional Sessions Judge, Gurugram vide order dated 3.2.2020. Therefore, all three of them had knocked at the door of this Court, craving for grant of pre-arrest bail, petition moved by Prateek Nepalia being CRM-M-24354-2020 and that by Ranadeep Ghosal and Ashima Malhotra being CRM-M-9192-2020. Their such request is being opposed by the State counsel.

I have heard, learned counsel for the petitioners, learned State counsel, besides going through the record.

The petition moved by Prateek Nepalia came up for hearing on 26.8.2020, when notice of motion was issued to the State for 29.9.2020 and he was directed to join the investigation on 9.9.2020 at 10.00 am, granting interim bail to him. On the adjourned date i.e. 29.9.2020, State counsel informed the Court that petitioner had failed to join the investigation. The explanation added by learned counsel for the petitioner was that because of the illness, the petitioner could not comply with the last order and he was willing to join the investigation, as such the petitioner was directed to join the investigation on 7.10.2020, adjourning the case to 26.11.2020. The direction for joining the investigation on 7.10.2020 was not complied with by the petitioner accused. An application was filed on his behalf on which he was given an opportunity to join the investigation on

28.12.2020 at 12.00 pm, clarifying that no further opportunity shall be given to the petitioner and in case of failure to do so on part of the petitioner, the petition shall be dismissed. However, again the petitioner failed to join the investigation.

Similarly, in the connected petition on behalf of Ranadeep Ghosal and Ashima Malhotra, which came up for hearing on 12.3.2020, while issuing notice of motion for 20.7.2020, they were directed to join the investigation by granting interim bail to them. However, they did not do so. Another opportunity was given to them to join the investigation on 7.10.2020 but again the petitioners failed to join the investigation. Vide order dated 21.12.2020, last opportunity was granted to the petitioners to join the investigation on 28.12.2020 at 12.00 p.m., observing that no further opportunity would be given and in case of lapse, the petition would be dismissed.

Learned State counsel has informed that petitioner in both the petitions have not joined the investigation on the date given or thereafter. Learned counsel for the petitioners also concede this fact, although they pray for more time to enable the petitioners to contact the Investigating Officer and join the investigation.

I do not find any justification in allowing the petitioners further time as requested by their counsel. Time and again they have failed to comply with the orders passed by this Court with regard to joining of investigation. Such type of accused, who are not obeying the orders passed by the Court, now can certainly be not expected to comply with the final order if passed by the Court with regard to

joining of investigation and other directions. The company of the accused is said to be involved in 14 other criminal cases as incorporated in order dated 21.12.2020. The State counsel has submitted that petitioners were not returning the amounts due to the complainants in each of the criminal cases registered against them and in 6 FIRs petitioner Prateek Nepalia had been granted interim bail on the condition that he would join the investigation, but he had not done so in any of the cases. Prateek Nepalia is said to be one of the Directors of the company at relevant time. Ranadeep Ghosal and Ashima Malhotra are also said to be Directors in the company. There are serious allegations of cheating, fraud and forgery against them. Their custodial interrogation is found to be necessary for complete and effective investigation and to effect the recovery of amount said to have been paid by the complainant to the company. The petitions are liable to be dismissed not only on account of failure of the petitioners to join the investigation repeatedly despite being given reasonable opportunities to do so by the Court issuing directions in that regard but on merits also.

Accordingly, both the petitions are dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

7.1.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No