

CRM-M-52189-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-52189-2021
Date of decision: 20.12.2021**

Prateek Nepalia

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Navkesh Singh Goraya, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.610 dated 30.09.2019, registered at Police Station DLF, Gurugram, under Sections 216, 406, 420, 467, 468, 471 read with Section 120-B IPC.

Learned Senior Counsel for the petitioner contends that the petitioner was not named in the FIR; that at one point of time, the petitioner was a Director of Unifact Edutech Private Limited, but on 10.09.2019, he resigned from the Board of Directors of the Company and his resignation was duly accepted by the Registrar of Companies, on 16.09.2019, as would decipher from Form No.DIR-12 (Annexure P-3); that a compromise stands effected between the complainant and other Directors of the Company and on the basis thereof, a petition for quashing of the above-noted FIR stands filed wherein notice of motion stands issued; that the compromise could not

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be effected with the petitioner for the reason that he was not named in the FIR, and that at one point of time, other co-accused were granted *ad interim* pre-arrest bail by the Court below, but since they did not join investigation, their application for pre-arrest bail was dismissed.

On the other hand, learned State counsel submits that the petitioner remained as a Director of the Company and had cheated the complainant and others on the pretext of sending them abroad. However, the learned State counsel submits that the challan stands presented and no recovery was effected from the petitioner. The learned State counsel also does not dispute the factum of compromise effected between the complainant and other co-accused and the filing of the petition for quashing of the above-noted FIR on the basis of the said compromise.

I have heard the learned counsel for the parties.

The challan stands presented. The petitioner has been in custody since 14.09.2021. Trial of the case is in the offing, which is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No