

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53409-2021
Date of Decision: 10.03.2022

PRATEEK NEPALIA

....Petitioner(s)

Versus

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Sidhu, Senior Advocate assisted by
Mr. Divij Datt, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General,
Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

Affidavit has been filed by the State which is taken on record.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.188 dated 23.05.2020, under Section 406, 420 read with Section 120-B IPC, registered at Police Station DLF, Gurugram.

Mr. B.S.Sidhu, learned Senior Counsel with Mr. Divij Datt, Advocate has submitted that the petitioner is in custody from 14.09.2021 and investigation of the case is already complete and the challan has been presented before the competent Court. He further submitted that it is a case where the petitioner was earlier Director of a Company which was engaged

in the business of giving education of German language and then getting jobs in other countries and the petitioner had rather resigned from the Company on 10.09.2019 and although the allegations contained in the FIR pertain to some month prior to that but it is a case where the petitioner has subsequently resigned and no money either from the present complainant or from any other persons was transferred in the name of the Company itself and it was never transferred in the name of any personal account of the petitioner either before the present incident or after the present incident. He further submitted that by virtue of being a Director of the Company, he has been nominated in the FIR and apart from the present FIR, he is also shown to be involved in more than 10 other cases in which similar kind of allegations have been made. He further submitted that main accused in the present case were Ranadeep Ghosal and Kaushik Bose who have already been granted bail. He further submitted that so far as the other cases against the petitioner of similar nature are concerned, he is already on bail in six cases and the present case is triable by the Magistrate and the entire case is based upon documentary evidence and, therefore, the petitioner may be considered for the grant of regular bail. He has relied upon the other bail applications in which he has been granted bail as CRM-M-52930-2021, CRM-M-52838-2021 and CRM-M-52189-2021.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 14.09.2021 and investigation of the case has already been completed. He further submitted that although the petitioner had resigned from the post of Director but he is also liable because of the

reason that company as a whole had cheated a number of persons.

I have heard the learned counsel for the parties.

The petitioner is in custody from 14.09.2021 and investigation of the case has already been completed and challan has been presented before the competent Court. The case is triable by the Magistrate and the entire case is based upon documentary evidence. The petitioner has been granted bail in six other similar kind of cases. As per the counsel for the parties the amount was not transferred in the name of the petitioner and it was transferred in the name of the company.

Therefore, without commenting on the merits of the case and considering the totality of circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No