

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

CRM No.M-1632 of 2015

Date of decision: 02.02.2015

Nitin Ahuja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Bedi, Sr. Advocate with
Ms. Diya Sodhi, Advocate for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana
assisted by SI Jageer.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Alok Mittal, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.593, dated 07.11.2014, registered under Sections 420, 379, 408, 467, 468, 471, 120-B IPC and Section 72 of Information Technology Act (for short "IT Act), at Police Station Sadar, District Palwal.

It is contended that the petitioner was working with the complainant company in the design department. The allegations pertain to the Information Technology Act as well as the Trade and Merchandise Marks Act, whereas, the FIR was lodged under Section 420, 408 etc. IPC and Section 72 of the IT Act. It is further contended that as the data in

dispute was never assigned to the petitioner, therefore, the question of misappropriation of the same does not arise in the instant case and no case under Section 408 IPC is made out. There is no inducement or fraudulent intention of the petitioner. The matter is of civil nature.

On the other hand, the learned State counsel as well as the learned counsel for the complainant argued that a huge loss has been suffered by the complainant company on account of misappropriation of complainant company's data. Recovery of laptop, pen drive, CD and other data has been effected from the petitioner, so, he is not entitled to bail.

I have heard learned counsel for the parties and perused the record.

The petitioner while working in the employment of the complainant company in a deceitful manner, misappropriated the company's data due to which the complainant company has suffered irreparable loss. It is not in dispute that the petitioner allegedly stolen the precious data created by the complainant and circulated to the business rivals. In these circumstances, it cannot be said that custodial interrogation of the petitioner is not required.

Keeping in view the above, this Court is not inclined to grant the concession of bail sought at this stage.

Dismissed.

02.02.2015

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(JITENDRA CHAUHAN)
JUDGE