

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-38071-2014
Date of decision:24.03.2015

Anil Cheppa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Rahul Sharma, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr.P.S.Ahluwalia, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.276 dated 1.8.2013 registered under Sections 406/408/420/120-B of the Indian Penal Code, Section 66 of the Information Technology Act, 2000 and Section 63-B of the Copyright Act, 1957 at Police Station Farakpur, District Yamuna Nagar.

Notice of motion was issued and petitioner was granted interim protection vide order dated 13.11.2014.

Learned counsel for the petitioner submits that in compliance of the order dated 13.11.2014 passed by this Court, petitioner has joined the investigation twice over. He further submits that petitioner is not working with M/s Teri Tek Industries rather he is working as a Cook in the Canteen of Government Senior Secondary School, Chhachhrauli, District Yamuna Nagar, as per working certificate Annexure P-6. He further submits that since nothing more is to be recovered from the petitioner, his custodial

interrogation is not necessary and he is entitled for anticipatory bail.

On the other hand, learned counsel for the State, on instructions from Inspector Sudhir Kumar, Incharge Cyber Crime Cell, Gurgaon, submits that though the petitioner has joined the investigation twice over but he had not cooperated with the investigating agency. He further submits that as many as 28 questions were put to the petitioner but he avoided the answers. Petitioner remained in constant touch with other co-accused and for the said purpose, call details of the phone of the petitioner and his co-accused were also taken into consideration. He concluded by submitting that the custodial interrogation of the petitioner is necessary. He prays for dismissal of the petition.

Supporting the contentions raised by the learned counsel for the State, learned counsel for the complainant places reliance on an order dated 25.2.2015 passed by Delhi High Court in Civil Suit (OS) 1118/2012 (Lark Engineering Company (India) and another v. M/s Adarsh and Deepak Industries and others, to contend that petitioner was one of the contemnors before the Delhi High Court. He furnished his unconditional apology for making use of the plaintiffs' drawings as well as for not cooperating with the Local Commissioner appointed by Delhi High Court. Petitioner alongwith his other co-accused gave an undertaking before Delhi High Court that they would return the soft as well as hard copies of the plaintiffs' drawings lying with them within a period of two weeks. He further submits that since the petitioner has not complied with the above-said order passed by Delhi High Court, he is not entitled for concession of anticipatory bail. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable

length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, instant one has not been found to be a fit case for extending the concession of anticipatory bail to the petitioner, for the following more than one reasons.

When the civil suit came up for consideration before Delhi High Court on 25.2.2015, following order was passed:-

“After some arguments, the defendants who are personally present in Court, undertake and assure this Court that they will not use any drawing of the plaintiffs. They further unconditionally apologize for making use of the plaintiffs' drawings as well as for not cooperating with the Local Commissioner appointed by this Court. The defendants also assure and undertake to this Court that they would return the soft as well as hard copies of the plaintiffs' drawings lying with them within a period of two weeks.

The aforesaid assurances and undertakings given by the defendants are accepted by this Court and they are held bound by the same.

With the aforesaid observations, the present contempt petition stands disposed of.

During the course of hearing, when the above-said factual aspect of the matter recorded by Delhi High Court in its order dated 25.2.2015 was put to the learned counsel for the petitioner, he had nothing to explain except to say that if the petitioner has given any such undertaking, he will comply with the same. This submission made by the learned counsel for the petitioner is of no consequence for the reason that the time of two weeks undertaken by the petitioner for returning the soft as well as hard copies of the plaintiffs' drawings has already expired. This factual aspect has also been verified by the learned counsel for the State,

who submits that petitioner has not returned either soft or hard copies of the plaintiffs' drawings so far, in compliance of the above-said order dated 25.2.2015 passed by Delhi High Court.

In view of the above-said factual aspect of the matter, this Court feels no hesitation to conclude that petitioner has violated the above-said undertaking given by him before the Delhi High Court. He is trying to misuse the process of law. Neither the petitioner is cooperating with the investigating agency because interim protection had been granted to him by this Court nor he is complying with the undertaking given by him before the Delhi High Court. Under these circumstances, it can be safely concluded that the custodial interrogation of the petitioner would be a compulsive necessity for the investigating agency for conducting the effective investigation.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the petitioner is not entitled for anticipatory bail because no case for interference is made out.

Resultantly, with the above-said observations made, the instant petition stands dismissed.

24.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE