

**Sr. No. 205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 21942 of 2015
Date of Decision: 15.02.2016**

Anil Dhingra

...Petitioner

Versus

State of Haryana and another

... Respondents

CRM No. M-22421 of 2015

Manjeet Singh @ Manmeet Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CRM No. M-22855 of 2015

Sandeep Kharab

...Petitioner

Versus

State of Haryana and another

...Respondents

CRM No. M-33424 of 2015

Prabhdeep Singh Maan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ashwani Talwar, Advocate,
for the petitioner(s) in CRM No. M-21942 of 2015 and
CRM No. M-22421 of 2015.

Mr. Sandeep Goyat, Advocate,
for the petitioner in CRM No. M-22855 of 2015.

Mr. Ram Bilas Gupta, Advocate,
for the petitioner in CRM No. M-33424 of 2015.

Mr. Vivek Saini, DAG, Haryana.

Mr. Aman Pal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the CRM Nos.M-21942 of 2015, 22421 of 2015, 22855 of 2015 and 33424 of 2015 as these four connected petitions raise a common prayer for grant of anticipatory bail in case FIR No.310 dated 26.05.2015, under Section 380 of Indian Penal Code (for short 'IPC'), subsequently added Sections 406, 420, 468 and 471 IPC, registered at Police Station Mujessar, Faridabad

Counsel for the parties have been heard.

It may be briefly noticed that FIR in question came to be registered on the complaint of Rakesh Chopra, Director of Technomatic Automotive Components Private Limited, Faridabad. As per complaint, all the petitioners herein were at one point of time or the other working as Salespersons/Service Engineers with the company. Allegations are of having committed theft of confidential customers data of the company. Complainant has further stated that Anil Dhingra petitioner in CRM No.M-21942 of 2015 has now started a company by the name of Aerotech and is now smuggling from abroad duplicate/pirated material which otherwise was being sold by the complainant's company on due authorization from the manufacturer based in China.

On 09.07.2015, the petitioner in CRM No. M-21942 of 2015 was granted interim protection as regards arrest subject to his

joining investigation. Similar protection was granted to other petitioners in these connected petitions in the light of orders dated 14.07.2015, 21.07.2015 and 30.09.2015 in CRM No. M-22421 of 2015, CRM No. M-22855 of 2015 and CRM No.M-33424 of 2015 respectively.

During the course of hearing, learned State counsel would submit that the petitioners have joined investigation. However, prayer made in these petitions has been vehemently opposed by State counsel as also counsel for the complainant. It has been argued against the petitioners that during the course of investigation even a certificate from the Manufacturing Company i.e. Launch based in China has been received and in which it has been recited that apart from the authorized dealers/distributors mentioned therein, no other dealer/distributor has been authorized to sell the product in question i.e. a diagnosis car scanner.

Counsel appearing for the complainant would also oppose the present petitions by submitting that there are serious allegations of car scanners brand Launch, 6 pieces having been stolen as also certain other material in the nature of motherboards, hardware keys of a wheel alignment machine, one apple I-Phone etc.

Having heard counsel for the parties at length, this Court is of the considered opinion that custodial interrogation of the petitioners would not be warranted.

In taking such view, it would be apposite to observe that even as per version of the complainant, the alleged theft of customers data etc. had been committed prior in point of time and

Prabhdeep Singh Maan in CRM No. M-33424 of 2015 having been confronted had submitted an affidavit that he would not misuse the data and would not work in the same line.

Feeling assured the complainant company did not take any further steps in such regard. The present FIR has now been lodged in the month of May, 2015 on the accusations that car scanners brand Launch 6 pieces and other material in the nature of motherboards, hardware keys etc. have been stolen. In the complaint lodged by Rakesh Chopra as also in the FIR, there is no specific accusation as regards the precise point of time when such machines/scanners which are otherwise stated to be highly priced were stolen.

Counsel appearing for the complainant would submit that the theft has occurred somewhere in the months of December, 2014/January, 2015. The accusations curiously have surfaced three months thereafter.

During the course of arguments, it has gone uncontroverted that the same very car diagnostic scanner of brand Launch is available online on various sites like Amazon etc. for online purchase. Towards such assertions, documents have been placed on record on behalf of the petitioners and the same have gone unrebutted. Investigating Officer in the matter, who is present in Court and who has placed reliance upon certificate issued by Launch Company is completely ignorant as regards such aspect.

In an overview of the matter, it appears that the petitioners/accused herein have started working in the same field/line

of work as the complainant's company and now pose a threat being competitors.

The accusations with regard to confidential customers data having been stolen against the factual backdrop of the petitioners having worked on the post of Salesman and Service Engineers in the complainant's company and as such being privy to such information even otherwise, are matters to be considered during the course of trial.

The petitioners having already joined investigation, the prayer made in these connected petitions is accepted.

Petitions are allowed. Orders dated 09.07.2015, 14.07.2015, 21.07.2015 and 30.09.2015 in CRM No. M-21942 of 2015, CRM No. M-22421 of 2015, CRM No. M-22855 of 2015 and CRM No. M-33424 of 2015 respectively are made absolute.

Disposed of.

15.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**