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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-5572 of 2016****Date of decision: September 19, 2016**

Kirron Dutta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**Present:** Mr. Anand Chhibbar, Senior Advocate with
Mr. Gorang Gupta, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. B.S. Bedi, Advocate
for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties and perused the interim order dated 16.02.2016 granting ad-interim anticipatory bail to the petitioner.

Accordingly, petitioner has joined investigation. However, the petition is being vehemently opposed by the counsel for the State as well as complainant. The counsel for the complainant vehemently argued that the petitioner was in employment in complainant-company and had also joined hand with the accused-company. The late result of her joining hand with the accused company was that complainant-company was put to severe financial loss. The total payments receivable from the accused-company were not received. He therefore, submitted that there is a clear-cut element of cheating by the petitioner and therefore, while in the employment of the complainant-company, the petitioner would not have undertaken the activity of helping the accused-company by acting as Chief Executive Officer (for short

'CEO') of the accused-company. That amounts to offence of cheating, breach of trust and conspiracy.

In my opinion, the mere act of accused petitioner in joining the organisation of the accused-company as CEO, in the absence of any provision in the contract by the complainant company or otherwise, prima-facie would not be an offence under Indian Penal Code. At any rate, the petitioner has joined investigation and also cooperated with the Investigating Officer. In that view of the matter, I think the petitioner is entitled to grant of anticipatory bail and confirmation of ad-interim order dated 16.02.2016.

In that view of the matter, interim order dated 16.02.2016 granting ad-interim anticipatory bail to the petitioner, is made absolute. The observations made in this order shall not influence either the investigation or the trial Court.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

September 19, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No