

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

**Date of decision: May 04, 2017
CRM-M-26030 of 2014**

Shailendra Bias
.....Petitioner

Versus

State of Haryana
.....Respondent

CRM-M-2326 of 2015

Rajaninandan Hegde
.....Petitioner

Versus

State of Haryana
.....Respondent

CRM-M-2765 of 2015

Dilip Aggarwal
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. G.S. Sandhu, Advocate for the petitioner(s).

Ms. Tanushree Gupta, DAG Haryana.

Mr. R.S. Rai, Senior advocate with
Mr. Deepender Brar, Advocate for the complainant.

A.B. CHAUDHARI, J

All these three petitions are being disposed of by this
common order.

Petitioners in all these three petitions seek relief of grant of
anticipatory bail arising out of FIR No.106 dated 26.03.2014, under

Sections 406, 120-B of Indian Penal Code, 1860 (for short 'IPC') (Sections 406 IPC has been deleted and Section 408 IPC added lateron) and Section 66B of the Information Technology Act, 2000, registered at Police Station Udhyog Vihar, District Gurgaon.

The prosecution case is that these petitioners were the employees working with the complainant-company M/s PCI Limited, Gurgaon since 2003. During the course of their business, they had come in contact with the clients of PCI Limited and other company as well doing similar type of business. Slowly and slowly these three petitioners resigned and had set-up their own company in collusion with the company doing the similar business and had committed breach of trust and also theft of the data in respect of the complainant-company. Thus, the complainant-company was put to heavy losses for over ₹100 crores and severe damage to the business of the complainant-company.

Learned Senior counsel for the petitioners submitted that this Court had granted *ad interim* anticipatory bail vide order dated 02.08.2014 to the petitioner-Shailendra Bias with a direction to join investigation on 16.08.2014, to petitioners-Rajaninandan Hegde and Dilip Aggarwal vide order dated 27.01.2015 with a direction to join investigation on 07.02.2015. Pursuant to those interim orders, the petitioners have joined investigation and have been fully cooperating. He also invited my attention to the order made by me at a later point of time, i.e. on 22.08.2016, asking Investigating Officer to collect

important piece of evidence as stated in the said order. Learned Senior counsel then contended that pursuant to the said order, laptop has been handed-over to the Investigating Officer and therefore, now nothing further can be recovered or given by the petitioners to the Investigating Officer.

Per contra, learned Senior counsel for the complainant-company opposed the petitions for grant of anticipatory bail to the petitioners and submitted that the petitioners had made a conspiracy to dupe the complainant-company with a dishonest intention to learn and earn from the complainant-company first for few years and thereafter, to resign and form some other company by stealing the data and clients as well and so on and so forth. Not only that there is breach of trust, but there is also forgery, fraud played on the complainant-company. He, therefore, prayed for dismissal of all these three petitions.

I have heard learned counsel for the rival parties at length on several occasions.

The investigation was monitored by this Court and necessary directions to join the investigation from time to time were made right from 2014 when the first interim order was made. The offences are admittedly triable by the Magistrate. In my opinion, all the petitioners having joined the investigation and having cooperated and handed-over all the instruments including the laptop containing alleged data and in view of the lapse of almost three years from the

time of grant of interim anticipatory bail to the petitioner, there is no point in cancelling the interim orders made by this Court in their favour. At any rate, neither the complainant nor the Investigating Officer feel any need to have their custodial interrogation any further. Since the offences are triable by the Magistrate, I think the interim orders made by this Court in these three petitions are required to be made absolute.

In that view of the matter, all these three petitions are allowed. Interim orders dated 02.08.2014 and 27.01.2015 granting *ad interim* anticipatory bail to the petitioners, are made absolute.

(A.B. CHAUDHARI)
JUDGE

May 04, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No