

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

CRM-M-12863-2019
Date of Decision:-20.3.2019

Jaideep Dagar

... Petitioner

Versus

Sate of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.459 dated 15.11.2016 under Sections 66-B Information Technology Act, Police Station Udyog Vihar, Gurugram.
2. The allegations in nut-shell are that the petitioner was earlier working in M/s India Bulls Real Estate Ltd. as General Manager. Subsequently, on 9.1.2016 he was relieved from the said office. The allegations are to the effect that the petitioner had transferred vital

data from his official E.mail to his personal E.mail which was subsequently found to have been used inasmuch as one Ajay and Amit sent E.mails to customers of M/s India Bulls Real Estate Ltd. spreading rumours.

3. Learned counsel for the petitioner has submitted that transfer of data from official E.mail to his personal E.mail which is in the nature of addresses of the customers was in fact in public domain and was being shared by several other officials working in the company and also with the customer care company and in these circumstances it cannot be said that it is the petitioner who had leaked the said vital information.
4. Learned counsel for the petitioner has further submitted that even if it is established that the petitioner had transferred the data from the official E.mail to his personal E.mail, still until and unless it is established that the petitioner had shared said data from his personal E.mail with any other person, no offence is made out as it cannot be said to be a case of theft so as to attract offence punishable under Sections 66-B of Information Technology Act.
5. After arguing for some time, the learned counsel submitted that he shall raise all these issues before trial Court and that the present petition be dismissed as withdrawn to enable him to raise all the pleas before trial Court.
6. Having heard learned counsel for the petitioner, the petition is dismissed as withdrawn with liberty to the petitioner to raise all the points raised herein before the trial Court at the time of considering

framing of charge including his submission to the effect that in the absence of any evidence to show that the alleged data had ever been transferred from personal E.mail of petitioner to any other E.mail, no offence under Section 66-B of Information Technology Act is made out and also that the trial Court lacks territorial jurisdiction.

7. In case any application is moved by the petitioner seeking exemption from personal appearance on the ground of professional commitment and compulsion, the trial Court shall consider the same sympathetically and dispose of the same in accordance with law.

20.03.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No