

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

CRM-M-5071-2018 (O&M)
Date of decision : 30.08.2019

Akash Tripathy

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Manish Bansal, DAG, Haryana alongwith
ASI Rishipal.

Mr. Rohit Chandel, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.481 dated 21.04.2017 registered under Section 66(B) of the Information Technology Act, 2000 and Section 420 IPC at Police Station Gurgaon Sadar, District Gurugram.

On 09.02.2018, after noticing the contention of learned counsel for the petitioner, following order was passed:-

“Learned counsel for the petitioner submits that alleged allegations of hacking of system of Alchemic Dream and securing proprietary licences were never reported by the said company. Offence under Section 66-B of the Information Technology Act in terms of Section 77-B of the said Act is bailable. In the absence of any loss of proprietary

licences and any amount transacted in the account of the petitioner, the offence under Section 420 IPC would be debatable in terms of wrongful gain.

Notice of motion for 16.03.2018.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 14.02.2018 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

Learned counsel for the State, on instructions from ASI Rishipal, has submitted that petitioner pursuant to the direction, has already joined investigation on 3 different occasion.

Keeping in view the aforesaid undisputed facts, interim order dated 09.02.2018 is made absolute.

Accordingly, the present petition is allowed.

30.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No