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

CRM-M-37489-2022

Date of decision : 30.09.2022

Baljeet Bidlan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. H.S. Randhawa, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.143 dated 06.07.2022 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 and Sections 43, 66 and 66(B) of the Information Technology Act, 2000 at Police Station Udyog Vihar, District Gurugram.

On 24.08.2022, this Court had passed the following order:-

“Inter alia contends that the petitioner is a lady and has been falsely implicated in the present case in order to wreak vengeance against her as she was the former employee and the said fact can be discerned from the fact that it has been alleged in the FIR that she was working as an employee in the company since 27.03.2020 and her

employment was terminated on 31.08.2021 whereas, as a matter of fact the petitioner had joined the company on 03.12.2018 and had resigned from the company on 02.08.2011 and to substantiate the same, has referred to the e-mails annexed along with the present petition. It is further submitted that the petitioner was one of the best performing employees of the company and the company had even offered the post of Manager Recruitment to her so as to ensure that the petitioner stays with the company and the said offer was declined by the petitioner on 12.08.2021 and thereafter, the petitioner received an e-mail with a post resignation acceptance form so as to facilitate her resignation from the company. It is stated that the fact that the petitioner was the top performing employee of the company could be discerned from the e-mail sent to her along with her self appraisal data wherein she was given an annual increment of 24% of salary on account of her performance and it is only when the petitioner did not accede to the demands of the company for reward, every attempt was made to dissuade the petitioner from leaving the company and after the petitioner had tendered her resignation and rejected the offer of promotion, 5 days prior to her leaving, show cause notice was served upon her on 27.08.2021 and response was furnished to the same by the petitioner. It is submitted that the petitioner is now sought to be dragged and roped into the present FIR on account of some information which came to the knowledge of the complainant on 25.03.2022 and even in the FIR, the allegation of sharing information and making service agreement are against the co-accused and not against the petitioner and in fact the petitioner had left the company

in the year 2021 and has been nominated as an accused after almost one year. It is submitted that the question of the petitioner colluding and conniving with other co-accused moreso, Chetan Lal does not arise as the present petitioner had given a complaint of harassment against the said Chetan Lal and it is on account of the said complaint, Chetan Lal was terminated from the company and thus, the question of the complainant colluding Chetan Lal does not even arise. It is further submitted that the provision of Section 43 of the Information Technology Act (in short "I.T.Act"), which is one of the offences under which the present FIR was registered, does not provide any punishment and only prescribes penalty and Sections 66 and 66B of the I.T. Act stipulate a maximum sentence of 3 years and are bailable in view of Section 77B of the I.T. Act. It is further submitted that Section 420 IPC is not made out against the present petitioner inasmuch as the petitioner has not made any representation or induced to any person and at any rate, since the said offence prescribes maximum sentence of 7 years, mandatory notice under Section 41A of Cr.P.C. has not been issued by the investigating agency and for the said proposition, learned counsel for the petitioner has relied upon the judgments of the Supreme Court in Arnesh Kumar vs. State of Bihar & Anr. reported as 2014(3) RCR (Cr) 527 and Satender Kumar Antil vs. Central Bureau of Investigation & Anr., SLP (Crl.) no.5191 of 2021. It is further submitted that the petitioner has a minor daughter and has no criminal antecedents and the entire case is based on documentary evidence and thus, the custodial interrogation of the petitioner is not required.

Notice of motion.

On asking of the Court, Mr.Dhruv Sihag, AAG, Haryana, appears and accepts notice on behalf of the State. Mr. Anuj Dewan, Advocate, appears on behalf of the complainant.

Adjourned to 05.09.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Thereafter, on 05.09.2022, the following order was passed:-

“Learned State counsel has pointed out that although the petitioner has joined investigation but is not required for further investigation.

Adjourned to 30.09.2022.

In the meantime, the petitioner is directed to again join investigation on 13.09.2022 at 11:00 a.m. in terms of the order passed by this court on 24.08.2022.

Interim to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders dated 24.08.2022 and 05.09.2022, the petitioner has joined the investigation.

Learned counsel for the State, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated

24.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 24.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

30.09.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**