

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

Sr. No.206

CRM-M-39955-2020
Date of decision: 13.01.2022

Harpreet Kaur and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhinav Gupta, Advocate
for the petitioners.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Sunil Chadha, Senior Advocate with
Mr. Akshay Chadha, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

Learned counsel for the petitioner does not press the present
petition qua petitioner No.2.

Dismissed as not pressed qua petitioner No.2.

Petitioner No.1 has approached this Court under Section 438
Cr.P.C. for the grant of anticipatory bail in FIR No.29 dated 20.10.2020
registered under Sections 406, 408, 379, 381, 120-B, 34 IPC and Sections
43, 66, 66-B of IT Act, 2000 at Police Station Punjab State Cyber Crime,
District Mohali.

Briefly stated, the case of the prosecution is that the
complainant – M/s TCY learning Solutions Private Limited (for short – the

company) is engaged in the business of online coaching and preparation of test papers etc. and for such purpose it has been developing its own software. Petitioner No.1 served the company as a computer expert and later resigned. However, while in service of the company she stole data which she later used, alongwith other co-accused, to further the interests of a competitor company namely M/s Exoways Web Technologies Private Limited (for short – Exoways). The company had technically got verified the stealing of its data from an expert and on the basis of the expert's report the allegations against petitioner No.1 stood duly proved.

Learned counsel for the petitioner submitted that petitioner No.1 is a 30 years old housewife and a mother of a 2 year old child having no other criminal antecedents; the petitioner has been falsely implicated in this case only for the reason that her husband is also an accused; the allegations of theft of data from the company and using the same in Exoways is ex-facie false as petitioner No.1 resigned from the company in April 2017 and Exoways was incorporated only in January 2019; petitioner No.1 never joined Exoways in any capacity; in pursuance to the notices issued by the investigating agency, petitioner No.1 has, through e-mail, disclosed all the relevant information that was within her knowledge and that petitioner No.1 is also ready and willing to join the investigation as and when called by the investigating agency.

Learned Senior counsel appearing for the complainant as also the learned State counsel oppose the grant of bail to the petitioner on the ground that similarly placed co-accused Ramandeep Singh and Jagjit Singh, who are the promoters of Exoways had earlier approached this Court through CRM-M-38917-2020 – Ramandeep Singh @ Ramandeep Singh

Aulakh and another vs. State of Punjab seeking therein anticipatory bail which petition was dismissed by this Court on 17.03.2021 against which they had knocked the doors of the Supreme Court which challenge of theirs was also rejected on 18.05.2021; similarly placed co-accused Rupinder Singh and petitioner No.2 – husband of petitioner No.1 have already withdrawn their pleas for anticipatory bail; petitioner No.1 has been indulging in theft of data of the company and has used the same in Exoways and that in spite of notices issued by the investigating agency, she has not joined the investigation.

Co-accused Ramandeep Singh, Jagjit Singh, Rupinder Singh and Rahul Nagpal were/are promoters/employees of Exoways whereas it is not even alleged that petitioner No.1 ever joined Exoways in any capacity. Further, as per the case of the prosecution petitioner No.1 had resigned from the company way back in April 2017 and Exoways was incorporated only in January 2019. Thus, petitioner No.1's case is completely distinguishable from the other co-accused and her exact role in the crime she is accused of is also debatable.

In addition to the above, petitioner No.1 is a 30 years old lady who is presently a housewife and a mother of a 2 year old child who has also allegedly shared all information in her knowledge with the investigating agency, though through e-mail.

After considering the totality of the afore facts, the order of this Court dated 09.12.2020 granting interim protection to petitioner No.1 deserves to be made absolute and it so ordered.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application

at the time when investigation into the allegations against petitioner No.1 is pending and thus the same would not be construed to be an expression of opinion on the merits of the case.

January 13, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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