

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

206

CRM-M-46008-2021

Date of decision : 14.01.2022

RAHUL JAIN

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. A. D. S. Sukhija, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.219 dated 25.09.2021, registered under Sections 408 and 420 IPC and Section 66(C) of the Information Technology Act, 2000, at Police Station Division No.8, Jalandhar

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 02.11.2021. Order dated 02.11.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.219 dated 25.09.2021, registered under Sections 408 and 420 IPC and Section 66(C) of the Information Technology Act, 2000, at Police Station Division No.8, Jalandhar.

Learned counsel for the petitioner argues that in the present petition the only allegation against the petitioner is that he has sent data relating to the company to another employee of the same company. Learned counsel for the petitioner further argues that it is not the case where the petitioner has shared any details of the company with outsider or

a stranger. Learned counsel for the petitioner submits that the petitioner has a good reason for sharing the said data with another employee for the reason that he had already resigned and he wanted to create a back up so that the company does not accuse him of any negligence for not keeping the said data in safe custody. Learned counsel for the petitioner further submits that as nothing is to be recovered from the petitioner and he is ready to join and cooperate the investigation, he may kindly be granted the concession of anticipatory bail.

Notice of motion for 13.01.2022.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel concedes that as per the allegations, the data of the company was held with one Shibashish Patanaik, who was an employee of the same company, but the petitioner should not have shared the same with him without the approval of his higher authorities. Learned State counsel submits that the information with regard to the devices with which the data was shared, is yet to be ascertained and recovered, hence, the custodial interrogation of the petitioner is necessary to find out the truth.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a case where the petitioner is not denying the factual assertion that he had transferred certain data to another employee of the same company. The question, as to whether the petitioner had done the same with any ulterior motive or the said act, violated provisions of law, is yet to be proved during the trial. Further, as nothing is to be recovered from the petitioner, except the source/device from which the said e-mail was sent transferring the data, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Surinder Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 02.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

14.01.2022

rimpal

Whether speaking/reasoned
Whether Reportable :

Yes
No