



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-13441-2024 (O&M)
Date of Decision:-8.8.2024

Atul Jyoti ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan Singh Dadwal, Advocate for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Jaideep Singh.

FIR No.	Dated	Police Station	Section/s
101	8.2.2024	City Rohtak, District Rohtak	406 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. At the time of issuance of notice of motion, the following order was passed on 15.3.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.101, dated 8.2.2024 at Police Station City Rohtak, District Rohtak, under Section 406 of Indian Penal Code.

The FIR in question was lodged at the instance of Arvind, wherein it is alleged that he is having a company, which is into manufacturing bicycle accessories under the name and style of



‘DLYFT INDIA LLP’. It is alleged that one Atul was working for the company since the last about one year and had been entrusted with a pen drive and a hard disk for doing important work in which important data of the company was saved. It has further been alleged that the said employee had also taken a loan of Rs.4.50 lakhs from the company out of which Rs.3.50 lakhs had been transferred in his bank account, while Rs.1 lakh was given in cash, which had been taken for the purpose of medical treatment of his mother. It is alleged that a few months back the said employee left the company and took away the pen drive, hard disk and other valuables.

Learned counsel for the petitioner submitted that the petitioner was working as a New Product Development Head and his job profile included working closely with customers to understand their requirements and to receive drawings from customers to ensure that necessary changes are made in the component design. It is submitted that the petitioner after doing the needful used to upload the entire data on the server of the company and also in the folder of the owner of the company.

Learned counsel for the petitioner submitted that as far as the loan amount is concerned, he had been duly repaying the loan by way of installments as had been agreed upon and in respect of which the complainant had also instituted a recovery suit. It has been submitted that the instant FIR is apparently an outcome to pressurize the petitioner so as to rejoin the company.

Notice of motion for 8.8.2024.

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



3. Learned State counsel, upon instructions from SI Jaideep Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation. It has, however, been informed that when the petitioner joined investigation, he assured that he would even make a payment of Rs.3.12 lakhs, but he has not honoured his commitment.
4. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case particularly the fact that the petitioner has already joined investigation, this Court is of the opinion that it is not a case warranting custodial interrogation. The contention of learned State counsel that the petitioner has not paid the amount of Rs.3.12 lakhs although he had assured to pay the same when he had joined investigation cannot be made a basis to decline the anticipatory bail.
5. The instant petition, as such, is accepted and the interim directions issued by this Court vide order dated 15.3.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

8.8.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No