

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52295-2023 (O&M)
Date of decision :22.04.2024

Karthik Devaraj
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parunjeet Singh, Advocate for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.55/2022 dated 11.09.2022, under Section 66B of the Information Technology (Amendment) Act, 2008; Sections 120-B, 408 & 420 of the Indian Penal Code, 1860, registered at Police Station Cyber Crime, District Gurugram.

(2) Above FIR was registered on the basis of statement made by complainant-Ankit Rawat with the allegations that petitioner, being

employee of the Company, has shared secret information with rival Company through WhatsApp; thereby engaged in various illegal activities causing monetary loss to the Company.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 13.10.2023 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from Inspector Sumit Kumar, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 13.10.2023 and the order reads as under:-

“Contends inter alia that civil suit is already pending between the parties and reference in this regard has been made to the order dated 16.09.2022 (P-5), passed by Hon’ble High Court of Delhi.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 22.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions

as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (7) It is acknowledged by learned State Counselon instructions from Inspector Sumit Kumar that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.
- (8) In view of the above, present petition is allowed; interim order dated 13.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

22nd April, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes