2025:PHHC:171663

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237 **CRM-M-45139 of 2025**
Date of Decision: 09.12.2025

Ramesh Sanka **....Petitioner**

Versus

State of Haryana **....Respondent**

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Nilesh Bhardwaj, Advocate
Mr. Shrenik Jain, Advocate
Mr. Vineet Sehgal, Advocate for the petitioner.

Mr. Deepak Sabherwal,Addl. A.G. Haryana.

Mr. Randeep S. Rai, Sr. Advocate with
Mr. Rajeev Anand, Sr. Advocate with
Mr. R. Kartikeya, Advocate and
Ms. Radhika Mehta, Advocate for the complainant.

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RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No. 253 dated 08.08.2024 registered under Sections 381, 385, 409, 506 of the Indian Penal Code and Section 66 of the IT Act, 2000, at Police Station DLF Phase-I, District Gurugram.

2. Briefly, the facts as per the prosecution's case are that the petitioner is blackmailing the complainant company by threatening to misuse or leak their confidential data and attempting to extort a sum of Rs. 311 crore. Hence the present FIR.

3. Learned Senior counsel for the petitioner submits that the petitioner is a senior citizen aged about 65 years, a person of standing and repute in the corporate sector, having served with DLF from 2004 to 2014, and thereafter functioning as CEO of the IREO group and Chairman of CFLD, besides advising various reputed corporate houses and legal institutions. It is argued that the present FIR, along with several other cases, has been instituted as a counter blast to the petitioner's role as a whistle-blower and due to his persistent pursuit of legitimate professional dues from his former employers and associates.

4. It is contended that the allegations pertain to the period from 2004-14 whereas, the FIR has been registered only in 2024, more than 11 years after the petitioner's resignation, despite continuous correspondence wherein his advisory role stood acknowledged as late as 2022-24. Learned counsel submits that all allegedly incriminating documents, emails, devices and data have already been recovered, the hard disk has been seized, forensic analysis has been undertaken, challan has been filed and 15 witnesses have been cited. No further recovery remains to be effected. The petitioner has been in custody since 03.01.2025 and has thus undergone significant incarceration.

5. Learned Senior counsel further submits that the petitioner had been advising on land-related matters even post 2014. It is asserted that on 21.09.2021, in his capacity as an Advisor, the petitioner informed the Chairman of the DLF Limited regarding a 72 acre land parcel and upon the Chairman's expression of interest, the petitioner continued to provide

advisory inputs on the mode of acquisition through an innovative debenture-bond purchase mechanism. It is stated that on 02.02.2022, he presented a detailed power point presentation outlining this methodology, which was subsequently e-mailed to the Chairman. Thereafter, on 25.01.2024, DLF is stated to have acquired approximately 28.49 acres of land through the very method advised by the petitioner. The petitioner, on various occasions, raised written and polite reminders seeking release of his professional fee for the advisory services and for the successful completion of the land transaction on a success-fee basis. It is argued that the emails relied upon by the prosecution constitute lawful professional communication and statutory legal notices, and cannot, by any stretch, be construed as “extortion”. He argued that the emails relied upon by the prosecution formed part of routine business communication and do not contain threats. No amount was ever paid pursuant to petitioner's notices, negating the ingredients of Section 385 IPC.

6. It is contended by learned Senior counsel for the petitioner that the entire dispute is essentially civil/contractual in nature, which has been maliciously clothed in a criminal garb merely to exert pressure and avoid payment of his legitimate dues. The documents relied upon by the prosecution are mostly mail, soft copies, WhatsApp messages all of which are inherently traceable and form part of normal correspondence. It is argued that the alleged data pertains to emails authored or received by the petitioner in his official capacity and does not constitute theft of trade secrets.

7. It is further submitted that, as regards to the FIRs registered

against the present petitioner, in FIR No.199 registered at P.S. Sector 65, he has been discharged; in FIR No. 1566 registered at P.S. Shivaji Nagar, Gurugram, his sentence has been suspended by the learned appellate Court; he is on bail in other FIRs and in one FIR the case is still under investigation. He further argued that it is settled law that mere pendency of cases cannot be treated as adverse material to deny bail and relies upon the decision of co-ordinate bench passed in ***CRM-M no. 23602 of 2025,*** titled ***Amit Sanotra v. State of Punjab, decision dated 08.07.2025***. He further argued that petitioner has deep roots in society and is not a flight risk.

8. On the other hand, learned State counsel has vehemently opposed the grant of bail. It is submitted that the petitioner held senior managerial positions, including CFO and Managing Director, in the complainant-company and was entrusted with confidential information, trade secrets and proprietary corporate data. At the time of resignation, he assured the complainant that he was not in possession of any confidential records, however, he later admitted through emails that he had retained such data and threatened to leak the same unless his monetary demands were fulfilled.

9. It is argued that from February 2024 onwards the petitioner sent repeated emails demanding Rs.311 crores, failing which he threatened to expose sensitive corporate matters, including references to vulnerabilities related to international financial scrutiny. The complainant was compelled to issue legal notices, yet the petitioner allegedly continued sending threatening communications and admitted to having stored confidential material on his personal laptop, lacking adequate safeguards. During investigation, two

laptops, a phone and hard disk were seized, forensic analysis is stated to have revealed the presence of business plans, agreements, building structure, share capital information, e-mails and other sensitive corporate data.

10. It is further argued that the petitioner is a habitual offender and multiple FIRs of similar nature are registered against him. The State counsel has drawn the attention to the reply filed by the State, highlighting that petitioner's antecedents are not clean.

11. Learned Senior counsel for the complaint adopts the submission of the State and further submits that petitioner did not work with DLF after 2014. The complainant denies that the petitioner had any professional role with DLF post 2014 and that he had any involvement in any land acquisition. He argued that the petitioner's claim of having advised or assisted in the land acquisition is entirely false. Land acquisition was completed directly by DLF and DHDL. It is submitted that the entire transaction was undertaken directly by the DLF Limited and DHDL, strictly in accordance with the orders passed by the Delhi High Court, and the petitioner had absolutely no role in the entire transaction. Learned Senior counsel argues that the petitioner's e-mails reveal deliberate retaliation and threatening misuse of confidential company data and such conduct dis-entitles him to bail. The learned Senior counsel reiterates that releasing the petitioner on bail would pose real threat of tampering with evidence and misuse of sensitive material/data.

12. I have heard the learned counsel for the parties and perused the paper book and the material placed on record. Admittedly, the present FIR was lodged after a considerable lapse of time from the cessation of

employment which was in the year 2014. The allegations levelled against the petitioner are substantially founded on a series of emails and communications sent by him to the complainant company, in which he is alleged to have demanded an amount of Rs. 311 crores and to have threatened disclosure of confidential corporate information. The petitioner, however, asserts that these communications were no more than reminders and assertions related to his professional advisory fees in respect of various transactions, including the land acquisition undertaken by Complainant company.

13. The rival contentions reveal that while the prosecution attributes criminal intent, the defence projects the issue as one of the contractual dues arising from advisory services. Whether the said emails, viewed in their entirety and in the context of the parties prior dealings, satisfied the statutory ingredients of "extortion" under Section 383 IPC or whether they merely reflect a civil and contractual dispute relating to professional remuneration is a question that can be determined only after the parties have led evidence in the course of trial.

14. At this stage, without commenting on the merits, it is noticed that custodial interrogation is complete. It is not in dispute that all documents and electronic devices alleged to contain confidential information have been seized, forensic examination has been conducted, the *challan* (charge sheet) stands presented, and 15 witnesses have been cited. The State has not demonstrated that any further recovery remains to be effected from the petitioner. The petitioner has remained in custody since 03.01.2025, and

further incarceration, in the circumstances of the case, would serve no useful purpose.

15. As regards the contention that petitioner is involved in other/more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

> *"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."*

16. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that the petitioner shall not, directly or indirectly, make an attempt to influence, threaten, induce, or intimidate the complainant, the prosecution witnesses, or any person acquainted with the facts of the case. He shall not tamper with the evidence in any manner. If the

petitioner is in possession of any confidential data of the complainant-company, he shall not misuse the same. The petitioner shall also not leave the country without the prior permission of the learned trial court and shall furnish his mobile number and current residential address to the Investigating Officer.

17. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
09.12.2025 **JUDGE**
puneet

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