

2025:PHHC:002962



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

217

CRM-M-56897-2024

Date of Decision : 13.01.2025

GAURAV SHARMA

.... PETITIONER

V/S

STATE OF PUNJAB

.... RESPONDENT

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Akash Vashisht, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Tara Dutt, Advocate
Mr. Raghav Chadha, Advocate
Ms. Kashish Aggarwal, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (Oral)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail in case bearing FIR No.414 dated 12.09.2024 under Section 316 of
BNNS and Section 66, 72, 72-A of Information Technology Act, 2000
registered at Police Station City Barnala, District Barnala (Punjab).

2. On 22.11.2024, the following order was passed:-

*"1. Through the instant petition, as instituted under
Section 482 of the B.N.S.S., 2023, the petitioner seeks
the concession of anticipatory bail, in case FIR*

2025:PHHC:002962



No.414 dated 12.09.2024, under Section 316 of the B.N.S., 2023, and, Sections 66, 72, 72-A of the Information Technology Act, 2000, registered at P.S. City Barnala, District Barnala.

2. The learned counsel for the petitioner inter alia submits that, the present FIR is the outcome of a dispute between an employer and an employee (petitioner), which cropped up when the petitioner chose to exist the complainant company, on account of a salary dispute. In fact, the petitioner tendered his resignation on 27.06.2024, which was not accepted, whereupon, the petitioner again gave resignation notice to the complainant company on 07.08.2024, through e-mail.

3. The learned counsel for the petitioner also submits that, in view of the allegations levelled in the present FIR, there is a serious dispute with regard to the invocation of Section 316 of the B.N.S.

4. At this stage, Mr. Sunil Chadha, Sr. Advocate, who is assisted by Mr. Akshay Chadha, Advocate, for the complainant, under a validly executed Vakalatnama instituted before this Court today, opposes the grant of anticipatory bail to the petitioner, on the ground that, the petitioner has breached the undertaking given to the company and in fact, he stole the secrets of the company.

5. Be that as it may, prima facie the entire case is based upon documentary evidence, which does not require custodial interrogation of the petitioner, therefore, this Court deems it appropriate to grant the asked for relief to the petitioner.

6. Notice of motion for 13.01.2025.

2025:PHHC:002962



7. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

8. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023”*

3. Learned State counsel on instructions from DSP Satyavir Singh, at the very outset, informs the Court that petitioner has joined the investigation and his custodial interrogation is not required. He further submits that petitioner has been declared innocent.

4. In view of the statement of learned State counsel, order dated 22.11.2024 is hereby made absolute. Petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

13.01.2025
anju

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