

202-1 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57937-2022
Date of Decision: 03.03.2023

Madhuri

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Deepanshu Mehta, Advocate
for the petitioner.

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

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.50 dated 04.11.2022, under Sections 120-B & 381 of the Indian Penal Code and Section 66 of the Information Technology Act, 2000, registered at Police Station State Cyber Crime, District S.A.S. Nagar, Mohali.

On 13.12.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Inter alia contends that the present petitioner was appointed as Sales Executive vide appointment letter dated 03.08.2021 in the complainant's company SRP Digital Services Private Limited and was to procure customers who want to deliver goods from one city to another. It is submitted that due to the Covid wave and lockdown, the company was managing its affairs through “Work from Home policy” and

the petitioner was also working from home and after taking permission of the company, Sales Manager Mr.Patrick, the petitioner transferred the excel sheets of data from company account to her personal account in the month of October, 2021 under the supervision of the Manager of the company and the petitioner was thus, working from her native village in Jammu through her laptop and her mother was also ill on account of Covid and she was taking care of her mother. It is submitted that the work done by the petitioner was well appreciated and her salary was increased and the petitioner was even given a company laptop as a mode of appreciation and for the duration of the alleged offence as stated in the FIR, the sales and profits earned from the work done were received in the company account and no amount was received in the personal account of the petitioner. It is submitted that the petitioner wanted to continue working from Jammu as her mother was was not keeping well but however, her said request was not accepted and subsequently the petitioner learnt that the petitioner was shown to have resigned from the company on 31.03.2022. It is further submitted that the petitioner remained without a job from 30.03.2022 till August, 2022 and thereafter, she got selected in Pick and Ride Logistics Private Limited which is stated to be a competitor of the complainant company. It is stated that the complainant company instituted Civil Suit No.968 of 2022 on 22.09.2022 and in the said suit, written statement has already been filed by the petitioner and thereafter, on 04.11.2022 the present FIR has been registered against the petitioner and seven ex-employees. It is reiterated that the data which was transferred to the personal laptop of the petitioner was after due consent of the Manager and the IT department and the assigned work was completed in time and even the laptop was submitted back to the company. It is further stated that the data which was in the knowledge of the petitioner was only regarding the customer details which, even otherwise is available in public

domain through various softwares. It is argued that as per Forensic Report (Annexure P-10), the customer details for procuring sales leads were transferred by way of excel sheets from the company's official email address of the petitioner to her personal Gmail account for the purpose of doing work from home and neither any email has been sent or data is stated to have been transferred to any third party and the petitioner had not received any gratification or money in the said regard. It is submitted that the petitioner is a 24 year old graduate and her old aged parents are dependent on her and she has never been involved in any other criminal case and she had already filed the statement on 6.10.2022 in the aforesaid civil suit and is further ready to cooperate with the investigation.

Notice of motion for 25.01.2023.

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

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Sub Inspector Devender Kashi, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, order dated 13.12.2022, passed by a co-ordinate Bench of this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

03.03.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No