CNR No: PHHC010184402026
2026:PHHC:201145

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6656-2026 (O&M)
Reserved on: 14.10.2026
Pronounced on: 13.11.2026
Uploaded on: 13.11.2026

DLF Limited .....Petitioner

Versus

STATE OF HARYANA AND ANOTHER .....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued By: Mr. R.S. Cheema, Senior Advocate
Mr. R.S. Rai, Senior Advocate
Mr. Rajeev Anand, Senior Advocate with
Mr. Kartikeya, Advocate
Ms. Radhika Mehta, Advocate
Mr. Satish Sharma, Advocate
Mr. Farhad Kohli, Advocate and
Mr. Prince Bharol, Advocate
for the petitioner.

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

Mr. Ashok Aggarwal, Senior Advocate with
Mr. Nilesh Bhardwaj, Advocate
Mr. Shrenik Jain, Advocate
Mr. Vineet Sehgal, Advocate
Mr. Haripal, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J.

The petitioner (DLF Limited) has instituted the present petition under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as `the BNSS') seeking cancellation of regular bail granted to respondent No. 2

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(Ramesh Sanka) vide order dated 09.12.2025 (Annexure-P1) passed by a Coordinate Bench in CRM-M-45319-2025.

2. On a complaint submitted by the petitioner, FIR No. 253 dated 08.08.2024 was registered at Police Station, DLF Phase 1, Gurugram, under Sections 381, 385, 409, 506 IPC and Section 66 of the IT Act, 2000.

2.1 As per the allegations in the FIR, respondent No. 2 was appointed as Chief Financial Officer of the petitioner-Company on 01.06.2004. He was later on made the Group Chief Financial Officer. Subsequently, he was elevated to the position of Managing Director of DLF Cyber City Developers Limited. He remained associated with the petitioner-Company with effect from 01.06.2004 till 02.07.2014.

2.2 During the course of his employment, respondent No. 2 is stated to have agreed to adhere to the Code of Conduct of the Company and had executed the relevant documents in this regard. As per the petitioner, by virtue of his senior management position of trust and fiduciary nature, respondent No. 2 was entrusted with the sensitive data of the Company and had free access to all the data, books and records whereby he was exposed to the vital and significant business information, trade secrets, documents, including but not limited to electronic devices, servers, e-mails, information of confidential and proprietary nature, documents, agreements, financial statements relating to business affairs and data, land holding details, customer data, costing and pricing details, details of significant transactions and business of the petitioner-Company

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and its operations along with all other related and incidental documents.

2.3 It was alleged that as per the terms and conditions set out in Clause 11 of the appointment letter dated 01.06.2004, respondent No. 2 was under a specific contractual obligation to maintain, *inter-alia*, the confidentiality in respect of any information, secrets, accounts or dealings relating to the organizational business and its affairs etc., and was not permitted to share the same with anyone else.

2.4 It was further alleged that respondent No. 2 had started blackmailing the petitioner-Company by threatening to misuse/leak their confidential data with a view to extort a sum of Rs. 311 crores. It is the case of the petitioner-Company that respondent No.2 had been threatening/intimidating the petitioner-Company that he would misuse and leak the confidential data stolen by him during his employment and stated to be in his possession and control.

2.5 Pursuant to registration of the FIR, respondent No.2 was arrested on 03.01.2025.

2.6 Vide order dated 09.12.2025 passed by a Co-ordinate Bench in CRM-M-45139-2025 (Annexure P1), he was granted regular bail. The grievance of the petitioner is that pursuant to regular bail having been granted, he started instituting one case after the other in different High Courts and the Apex Court. It is the case of the petitioner that in these petitions, respondent No.2 has again started leaking confidential information with a view to influence, threaten and intimidate the petitioner and the

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prosecution witnesses, which is in violation of the conditions laid down in the order dated 09.12.2025 vide which he was granted regular bail.

2.7 Details of the cases instituted in the Apex Court, the Delhi High Court, the Telangana High Court and the Madras High Court were given during the course of hearing, which shall be referred at the relevant stage, if so required.

2.8 The petitioner, therefore, seeks cancellation of the bail granted to respondent No.2.

3. In the reply filed by the State of Haryana (respondent No.1), essentially the factual background has been given, which led to the registration of the FIR.

3.1 It has been averred that the antecedents of respondent No.2 are not clean for, five other FIRs stand registered against him.

3.2 Details of the recoveries made from respondent No.2, pursuant to his arrest in the present case, have also been given in the reply as thus:

> "J. That the Respondent No.2 was arrested on 03.01.2025 and during the course of investigation, recovery was effected from him, wherein, Two Laptops, One Mobile Phone and One hard disk were seized by investigation agency and same were deposited at DITAC Lab for data extraction. That the examination report regarding recoveries made was received on 21.08.2025 downloaded in a hard disk. Total size of data extracted from the mentioned devices is as under:
>
> a. Laptop 1: 7,48,29,58,359 bytes
> b. Laptop 2: 7,09,51,64,40,887 bytes
> c. Hard Disk: 1,91,60,58,65,248 bytes

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> d. Mobile Phone: 4,14,66,81,757 bytes
>
> The Data is being analyzed and it has been found that various files and secret & confidential documents of Complainant Company like as business plan, agreements, building structure, company share capital, business transaction, confidential mails etc. were subject matter of content downloaded in the hard disk. After analyzing the complete data supplementary charge sheet will be submitted before the Ld. Trial Court."

3.3 It has been averred that pursuant to filing of the final report, further investigation is underway. The reply states that after *prima-facie* analysis of the data recovered from the hard disk, it appears that the same contains confidential record of the petitioner-Company.

3.4 Details of the litigation initiated by respondent No.2 have also been given. It has been averred that respondent No.2 has wilfully violated and breached the conditions imposed by the Coordinate Bench while granting regular bail to him and the confidential information and material is being deliberately misused in complete defiance of the mandate issued by the Court. The State has, therefore, averred that the said facts warrant reconsideration of the concession of bail.

4. The petition has been opposed by respondent No.2. A short reply was initially filed. It has been averred that a plea of cancellation of bail should not be considered mechanically and there have to be strong reasons, not only averred, but proved beyond reasonable doubt, that bail is liable to be cancelled. It has been averred that bail can be cancelled only where an

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accused misuses the liberty granted to him or tries to influence the witnesses, repeats the offence, where there is likelihood of accused absconding, but it should not be cancelled mechanically or on a mere change of opinion or re-appreciation of facts, just because another view was possible, in view of the gravity of the offence.

4.1 It is the stand of respondent No.2 that he had resigned from the petitioner-Company on 02.07.2014 and even as per the allegations levelled by the petitioner, he had no control over the documents/confidential information or sensitive data after 02.07.2014 and that the fusion petition filed in the High Court of Delhi includes many documents after 02.07.2014. It has been averred that the answering respondent i.e. respondent No.2 has not misused any documents/confidential information or sensitive data. It has been averred that the petition filed in the Delhi High Court is still in objections and no such document has been used by respondent No.2 which can be alleged to be confidential in nature.

4.2 It is the case of respondent No.2 that mere usage of documents for filing a writ petition in a Court of law cannot be termed as misuse of confidential data; most of the data is already a part of the final report submitted in FIR No. 253; the charge-sheet includes all the mails that the answering respondent had exchanged with the Chairman/Managing Director of the petitioner-Company after leaving the petitioner-Company and 32 lakh pages of e-mails in softcopies/hard disk of the petitioner-Company; the petitioner has failed to aver and

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prove us as to how the filing of a writ petition alone or annexing such documents had prejudiced the interests of the petitioner-Company; whether the filing of a writ petition depicted misuse/abuse of the process to gain illegal benefits from the promoters of the petitioner and whether the same could be termed as misuse of data or tampering with evidence or use of documents against the petitioner-Company.

4.3 Both sides have averred a number of other facts which are not relevant for the purpose of decision of the present petition and therefore, they are not being discussed while detailing the facts. However, due reference shall be made to them at the relevant place, if so required.

4.4 Another reply to the application for placing on record the documents had been filed. However, subsequently, both sides placed on record various documents which were ordered to be taken on record subject to just exceptions.

5. Learned counsel for the parties were heard.

6. Mr. R.S. Cheema, learned Senior counsel representing the petitioner referred to the allegations in the FIR and the contents of the order dated 09.12.2025 (Annexure P.1) vide which regular bail was granted to respondent No.2. The operative part of the said order was referred to in particular and then reference was made to the averments made in the petition along with the documents annexed therewith, including the documents placed on record subsequently. The gist of the arguments is that respondent No.2 committed wilful violation of the conditions imposed upon him by the Coordinate Bench while

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granting regular bail to him and as such the said facts, warrant cancellation of the bail granted to respondent No.2.

6.1 It was submitted that no challenge had been laid to the conditions imposed in the order dated 09.12.2025 and, therefore, the same had attained finality. However, immediately after having been released on bail, respondent No.2 initiated a string of litigation against the petitioner only with a view to induce, threaten, intimidate and influence the petitioner and the prosecution witnesses.

6.2 Reference was made to the contents of the petitions/applications filed before the Apex Court; the Delhi High Court, the Telangana High Court and the Madras High Court.

6.3 Reference was also made to the observations made by the Delhi High Court and the Telangana High Court against the petitioner, while dismissing his petitions.

6.4 It was submitted that in the Delhi High Court, though a petition was filed but the same was not got registered and is still lying in the objections, which clearly shows that the only attempt of respondent No.2 is to threaten and intimidate the petitioner.

6.5 It was submitted that deliberately, cases are being filed but are not being got listed only with a view to intimidate and threaten the petitioner. Details of suits/petitions/ applications filed were given during the course of arguments.

6.6 It was submitted that in a matter with the SEBI, while the SEBI challenged an order in appeal in which

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respondent No.2 was not even a party since the Appellate Authority had decided the petition in favour of respondent No.2, deliberately an application was filed before the Apex Court, again leaking the confidential information clearly with a view to intimidate and threaten the petitioner.

6.7 It was submitted that intimidation in the present case is of a new kind, being resorted to by misusing the data, which is in possession of respondent No.2 by virtue of an important position held by him in the petitioner-Company. It was submitted that respondent No.2 duly stated before the Delhi High Court that he was a whistleblower.

6.8 The arguments were concluded by submitting that respondent No.2 had been granted regular bail subject to certain conditions, which he is duty bound to fulfill and follow. It was submitted that though it was stated before the Coordinate Bench that all the digital data had been recovered, it is clear that some data had been retained by respondent No.2, which is again being misused by him. It was submitted that even if some data is a part of the final report, it cannot be used in public proceedings for, a final report is not a public document.

7. Mr. R.S. Rai, learned Senior Counsel supplemented the arguments addressed by Mr. R.S. Cheema, Senior Advocate. It was submitted that when the matter was investigated by the police, 32 lakh digital files were recovered from the hard-disk of respondent No.2. It was submitted that it was under the said circumstances that specific conditions were imposed. Learned Senior counsel referred to the order granting bail and submitted

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that the directions of the Coordinate Bench were categoric, since the Bench was aware of the nature of the documents, which were filed with the charge-sheet and the documents that were annexed by respondent No.2.

7.1 It was submitted that in the I.A. filed by respondent No.2 before the Apex Court, it had, in so many words, been averred that respondent No.2 was in possession of the data by virtue of his employment with the petitioner-Company.

7.2 Learned Senior counsel also referred to the various cases instituted by respondent No.2 in the Apex Court and different High Courts. Details of the cases which had been withdrawn, or are still lying in objections and some cases having already been dismissed, were pointed out.

7.3 It was submitted that the entire blackmailing was to extort a sum of Rs.311 crores from the petitioner.

7.4 Learned Senior Counsel concluded his arguments by stating that since there is wilful violation of the conditions of bail as laid down by the Coordinate Bench, the same is liable to be cancelled.

7.5 In support of their contentions, reliance was placed upon the judgments of the Apex Court in **Saurav Das Vs. Union of India and Others, (2023) 11 SCC 154; Rakesh Mittal Vs. Ajay Pal Gupta alias Sonu Chaudhary and Another, 2026 SCC OnLine SC 211; State of Bihar and Another Vs. Amit Kumar alias Bachcha Rai, (2017) 13 SCC 751** and **Gulabrao Baburao Deokar Vs. State of Maharashtra and Others, (2013) 16 SCC 190.**

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8. In so far as the State is concerned, only the factual position was given during the course of arguments.

9. On behalf of respondent No.2, it was strenuously urged by Mr. Ashok Aggarwal, Senior Advocate that there is absolutely no case for cancellation of bail. It was submitted that cancellation of bail is an extreme measure and before resorting to the same, the Court has to be completely satisfied about the wilful violation of the conditions on which bail was granted.

9.1 The basic stand taken during the course of arguments was that the documents being referred to or relied upon by respondent No.2 in different cases instituted by him are also a part of the final report and, therefore, it cannot, by any stretch of imagination, be said that any confidential information was being leaked.

9.2 It was submitted that availing legal remedies can never be said to be misuse of the conditions of bail and respondent No.2 would be well within his right to avail his legal remedies.

9.3 It was submitted that respondent No.2 was granted bail after having suffered incarceration for about 11 months, he having been arrested on 03.01.2025 and having been granted regular bail on 09.12.2025. It was submitted that in a case triable by the Court of a Judicial Magistrate Ist Class, even if the petitioner is convicted, there may not be imposition of a sentence beyond one year, which, in any case, the petitioner has already undergone as an under-trial.

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9.4 It was submitted that the matter had been argued by the petitioner as if it is a case of treason. It was submitted that the e-mails exchanged between the petitioner and respondent No.2 and allegedly to be in possession of respondent No.2, cannot be said to be confidential documents. It was submitted that there is no averment by the petitioner nor any argument has been raised, to even *prima-facie* suggest that the allegations levelled in the petitions instituted by respondent No.2 are false.

9.5 It was submitted that as is clear from the record, respondent No.2 had been doing job work for the petitioner-Company even after he had formally demitted office and for the said purpose, he is legally claiming Rs.311 crores and only with a view to intimidate and pressurize respondent No.2, the FIR was got registered against him. It was submitted that even the supplementary challan had been filed only with a view to favour the petitioner-Company and the same had been done without the prior permission of the Court concerned. Learned Senior counsel also referred to the order granting bail and submitted that there has been no violation of the conditions imposed therein.

9.6 It was submitted that no details were given in the bail order nor was it specified in the petition seeking cancellation of bail as to which particular data was being misused or was not a part of the final report. It was submitted that in judicial proceedings, only e-mails between the parties were used and respondent No.2 has every right to avail his legal remedies. It

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was submitted that bail cannot be cancelled on the mere asking of the petitioner as it has very harsh consequences.

9.7 In support of his contentions, learned Senior counsel placed reliance upon the judgments of the Apex Court in **Dolat Ram Vs. State of Haryana, (1995) 1 SCC 349; Deepak Yadav Vs. State of UP, (2022) 8 SCC 559; Gurcharan Singh Vs. State (Delhi Admn), (1978) 1 SCC 118; X Vs. State of Telangana, (2018) 16 SCC 511; Himanshu Sharma Vs. State of MP, (2024) 4 SCC 222 and Puran Vs. Rambilas, (2001) 6 SCC 338** and the judgment of this High Court in **Gurmit Kaur Vs. State of Punjab, 2026 SCC OnLine P&H 26909.**

10. I have considered the submissions made by learned Senior counsel for the parties.

11. Before adverting to the merits of the case, it would be apposite to refer to the law on the subject.

12. One of the earliest views as regards cancellation of bail was taken by the Apex court in the case of **Dolat Ram (supra)**, in which the Apex Court held as thus:-

> "4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis

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> of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted."

13. It is evident that there have to be cogent and overwhelming circumstances to form an opinion that bail deserves to be cancelled. The Apex Court listed certain circumstances, which could assist the Court in arriving at such conclusion and the said circumstances are, i) interference or attempt to interfere with the due course of administration of justice or evasion; or ii) attempt to evade the due course of justice; or iii) abuse of the concession granted to the accused in any manner and iv) the possibility of the accused absconding. It was held by the Apex Court that bail once granted should not be cancelled in a mechanical manner without considering any supervening circumstances rendering it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.

14. The aforesaid principles have consistently been reiterated by the Apex Court as also by this Court.

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15. In a recent judgment in **Abhimanue etc. etc. Vs. State of Kerala, 2025 AIR SC 4439**, the Apex Court reiterated the said principles and held as under:-

> "15. We are unable to agree with this argument. We note that, in the present case, the application before the High Court was filed under "Section 482 r/w 439 (2) of Code of Criminal Procedure". Thatbeing the case, nothing prevented the High Court from exercising its inherent powers.
>
> 16. We now propose to proceed with our discussion on the other aspects of the case.
>
> 17. Law is well settled that cancellation of bail is distinct from revocation of an order granting bail. Bail may be cancelled when the accused violates any of the conditions imposed. On the other hand, an order granting bail can be revoked if such an order is found to be perverse or illegal. In **P v. State of Madhya Pradesh,** a three-judge Bench of this Court, after analyzing various previous decisions, discussed the distinction between the two. Relevant paragraphs of the decision are reproduced below:
>
> > "21. Echoing the above principle, in Ranjit Singh v. State of M.P. [Ranjit Singh v. State of M.P., (2013) 16 SCC 797 : (2014) 6 SCC (Cri) 405], it has been held thus:
> >
> > "19. … There is also a distinction between the concept of setting aside an unjustified, illegal or perverse order and cancellation of an order of bail on the ground that the accused has misconducted himself or certain supervening circumstances warrant such cancellation. If the order granting bail is a perverse one or passed on irrelevant materials, it can be annulled by the superior court.
> >
> > 22. In Abdul Basit v. Mohd. Abdul Kadir Chaudhary [Abdul Basit v. Mohd. Abdul Kadir Chaudhary, (2014) 10 SCC 754 : (2015)

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1 SCC (Cri) 257], this Court has opined that: (SCC p. 763, para 19)

"19. Therefore, the concept of setting aside an unjustified, illegal or perverse order is different from the concept of cancellation of a bail on the ground of accused's misconduct or new adverse facts having surfaced after the grant of bail which require such cancellation and a perusal of the aforesaid decisions would present before us that an order granting bail can only be set aside on grounds of being illegal or contrary to law by the court superior to the court which granted the bail and not by the same court."

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24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.

25. Some of the circumstances where bail granted to the accused under Section 439(1) CrPC can be cancelled are enumerated below:

(a) If he misuses his liberty by indulging in similar/other criminal activity;

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(b) If he interferes with the course of investigation;

(c) If he attempts to tamper with the evidence;

(d) If he attempts to influence/threaten the witnesses;

(e) If he evades or attempts to evade court proceedings;

(f) If he indulges in activities which would hamper smooth investigation;

(g) If he is likely to flee from the country;

(h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;

(i) If he attempts to place himself beyond the reach of his surety.

(j) If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive.

(emphasis ours)"

16. A Three Judges Bench judgment of the Apex Court also examined the entire law on the issue of cancellation of bail in the case of **Deepak Yadav (supra)**. After examining the law on the subject, including the judgments the cases of **Dolat Ram (supra); Neeru Yadav Vs. State of U.P., (2014)16 SCC 508 and Prakash Kadam Vs. Ramprasad Vishwanath Gupta, (2011)6SCC 189**, the Apex Court held as under:-

"31. This Court has reiterated in several instances that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very

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cogent and overwhelming circumstances are necessary for an order directing cancellation of bail (which was already granted).

32. A two-Judge Bench of this Court in Dolat Ram And Others v. State of Haryana, (1995) 1 SCC 349 laid down the grounds for cancellation of bail which are:-

(i) interference or attempt to interfere with the due course of administration of Justice;

(ii) evasion or attempt to evade the due course of justice;

(iii) abuse of the concession granted to the accused in any manner;

(iv) Possibility of accused absconding;

(v) Likelihood of/actual misuse of bail;

(vi) Likelihood of the accused tampering with the evidence or threatening witnesses.

33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1 Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.

33.2 Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.

33.3 Where the past criminal record and conduct of the accused is completely ignored while granting bail.

33.4 Where bail has been granted on untenable grounds.

33.5 Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.

33.6 Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.

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33.7 When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.

34. In *Neeru Yadav v. State of Uttar Pradesh And Another, (2014) 16 SCC 508*, the accused was granted bail by the High Court. In an appeal against the order of the High Court, a two-Judge Bench of this Court examined the precedents on the principles that guide grant of bail and observed as under (SCC p.513 para 12):

> "12 .It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or of some supervening circumstances warranting such cancellation have occurred is in a different compartment altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail and have not been taken note of bail or it is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail. Such a case belongs to a different category and is in a separate realm. While dealing with a case of second nature, the Court does not dwell upon the violation of conditions by the accused or the supervening circumstances that have happened subsequently. It, on the contrary, delves into the justifiability and the soundness of the order passed by the Court"
>
> (emphasis supplied).

35. This Court in Mahipal (Supra) held that:

> "17. Where a court considering an application for bail fails to consider relevant factors, an appellate court may justifiably set aside the order granting bail. An appellate court is thus required to consider whether the order granting bail suffers from a non-application of mind or is not borne out from a prima facie view of the evidence on record. It is thus necessary for this Court to assess whether,

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> on the basis of the evidentiary record, there existed a prima facie or reasonable ground to believe that the accused had committed the crime, also taking into account the seriousness of the crime and the severity of the punishment."

36. A two-Judge Bench of this Court in *Prakash Kadam And Others v. Ram Prasad Vishwanath Gupta And Another, (2011) 6 SCC 189* held that: (SCC p.195, paras 18-19)

> "18. In considering whether to cancel the bail, the court has also to consider the gravity and nature of the offence, prima facie case against the accused, the position and standing of the accused, etc. if there are serious allegations against the accused, his bail may be cancelled even if he has not misused the bail granted to him. 19. In our opinion, there is no absolute rule that once bail is granted to the accused then it can only be cancelled if there is likelihood of misuse of bail. that factor, though no doubt important, is not the only factor. There are several other factors also which may be seen while deciding to cancel the bail."

17. Reverting to the facts of the case, the FIR (Annexure P.1) was registered largely with the allegations of threats by respondent No.2 of misusing or leaking the confidential data of the petitioner-Company and thereby making an attempt to extort a sum of Rs.311 crores from it.

18. The operative part of the order granting bail to the petitioner reads as thus:-

> “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

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emails and communications sent by him to the complainant company, in which he is alleged to have demanded an amount of Re 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 conduced, 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

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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....."

19. After respondent No.2 was released on bail, he instituted a number of cases against the petitioner-Company, which included an I.A. in the Apex Court filed on 03.06.2026 in

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which a number of documents, including emails, circulars, transfer, lease deeds etc., were annexed. The said I.A. was filed in an appeal filed by the SEBI stating that the I.A. was being filed so that the petitioner could not, at his back, get some proceedings initiated against him. Then there were cases instituted before the Delhi High Court, the Telangana High Court and the Madras High Court. Certain cases are still pending, whereas others were decided. In all cases, such documents were annexed. All petitions have been perused.

20. In some cases, certain observations were also made by the Telangana High Court and the Delhi High Court against the petitioner that the litigation was the result of a private vendetta and that under the guise of public interest, respondent No.2 was trying to settle personal scores.

21. Apart from the afore-stated litigation, no other action initiated by respondent No.2 has been brought to the notice of the Court.

22. Having considered the arguments addressed by learned Senior counsel for the parties and the law on the subject, the question which arises for consideration of this Court is as to whether respondent No.2 can be said to have violated the conditions of bail warranting its cancellation. The answer to the said question is definitely in the negative.

23. No doubt, respondent No.2 appears to be having the tendencies of a blackmailer. He for sure, is not a saint. On account of that, the FIR in question stands registered against him. He was incarcerated for 11 months before being bailed out.

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The trial is pending in the Court of a Judicial Magistrate, Ist Class.

24. It is also not in doubt that certain observations have been made against him by different Courts. However, the fact remains that respondent No.2 had resorted to only instituting certain petitions before the Apex Court and different High Courts alleging, *inter alia*, evasion of tax etc. and other violations by the petitioner.

25. In the considered opinion of this Court, resorting to legal remedies cannot, by any stretch of imagination, be said to be an act which may be termed to be a violation of the conditions of bail or which may amount to inducing, threatening, intimidating or influencing the petitioner and/or the prosecution witnesses.

26. It has to be borne in mind that respondent No.2 is yet to be put to trial. Similarly, the petitions instituted by him shall be tried by the Courts of competent jurisdiction. No opinion can be formed at this stage as regards the veracity of the allegations in the FIR got registered by the petitioner against respondent No.2 or the cases instituted by respondent No.2 against the petitioner.

27. It also has to be borne in mind that cancellation of bail is a very drastic measure and cannot and should not be resorted to in a mechanical manner.

28. Having considered the matter in its entirety and having gone through the contents of the FIR and the order dated 09.12.2025 granting bail to the petitioner, the petitions

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instituted by respondent No.2 and the arguments addressed by learned Senior Counsel for the parties, this Court does not find it to be a case of cancellation of bail granted to respondent No.2, at this stage.

29. In view of the above, the present petition is found to be devoid of merit and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

13.11.2026
ds

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

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