

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

CRM No. M-16545 of 2015

Date of decision:- July 21, 2015

Ravikant

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. D.N. Ganeriwala, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Gaurav Pathania, Advocate for
Mr. Suneet Singh, Advocate,
for the complainant.

JASPAL SINGH, J. (Oral)

Reply on behalf of complainant has been filed in Court today and the same is taken on record, subject to all just exceptions.

2. This is a petition under Section 438 of the Code of Criminal Procedure preferred by Ravikant, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 173, dated 27.04.2015, under Sections 63, 65 of Copyright Act, 1957 and under Sections 420, 468 and 469 IPC, registered at Police City Rewari.

3. While issuing notice of motion, following order was passed by this Court on May 20, 2015:-

*“Learned counsel for the petitioner inter alia contends that as per Section 13 of the Copyright Act, 1957 (for short, 'Act'), copyright could only subsist in original literary, dramatic, musical and artistic works, cinematograph films and sound records. Thus, there can be no copyright in the paints and the empty paint buckets alleged to have been kept by the petitioner as these fall within the purview of goods covered under the provisions of Trade and Merchandise Marks Act, 1958, now, repealed by Trademarks Act, 1999. He further contends that bare perusal of FIR neither discloses commission of any offence under Sections 63 and 65 of the Act nor an offence under Section 420 IPC etc. is made out. He relies upon the pronouncement captioned as **“M/s Bikaner Steel Mills vs. State of Punjab”, 2007 (1) RCR (Criminal) 773.***

Notice of motion to the respondent for 21.07.2015.

Mr. Suneet Singh Deol, Advocate has put in appearance on behalf of the complainant. In the meanwhile, petitioner is directed to join the investigation.

In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself

available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.”

4. Learned State counsel, on instructions from Inspector, Deep Singh has submitted that in compliance of order dated May 20, 2015, petitioner has already joined the investigation and is also no more required for further investigation in this case.

5. Taking into consideration all the aforesaid aspects of the case, order dated May 20, 2015, is made absolute, subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

(JASPAL SINGH)
JUDGE

July 21, 2015
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