

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

CRM No.M- 39506 of 2014(O&M)

Date of Decision: January 5, 2015.

Mohammad Javed Khan

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Yakesh Anand, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Mr. N.S.Shekhawat, Advocate
for the applicant/complainant.

LISA GILL, J.

CRM No.39709 of 2014

For the reasons mentioned in the application, the same is allowed and Annexures R-2/1 to R-2/5 are taken on record subject to all just exceptions.

CRM stands disposed of.

CRM No.39710 of 2014

This is an application for impleading the applicant/complainant as respondent No.2 in this petition.

Learned counsel for the non-applicant/petitioner has no objection against the impleadment of complainant as party respondent No.2.

In view of the above, this application is allowed and complainant – Anil Kumar son of Sh. Jagdish Parshad, resident of H.No.21/31, Mall Road, Delhi is impleaded as respondent No.2 in this petition.

Registry is directed to carry out the necessary correction in the memo of parties.

CRM stands disposed of.

CRM No.M-39506 of 2014

Petitioner prays for bail pending trial in FIR No.361 dated 05.09.2014, under Sections 420/467/468/471/270/279/506 IPC and Section 63 of the Copyright Act, 1957, registered at police station Sonipat, Haryana.

Learned counsel for the petitioner contends that petitioner is in the profession of printing since the last nearly 24 years. He is an Income Tax Payee having a Sales Tax Registration Number. He is not concerned with the duplicating/printing/infringement of any copyright as alleged in the FIR. There is no question of the petitioner being guilty of any of the offences as mentioned in the FIR. Petitioner has nothing to do with the duplicate tobacco being sold in the market. There is no question of any forgery of printing or packaging material by him. He was only executing the orders of printing of labels as placed with him in a bona fide manner. Petitioner has been in custody since 24.09.2014 and his further custody is not required.

Learned counsel for the State as well as learned counsel for the complainant have vehemently opposed this petition. Learned counsel for the complainant who is a manufacturer of tobacco, contends that magnitude of the offences committed by the petitioner is grave as a loss of Crores of rupees has been caused to the complainant. The illegal act of petitioner is a menace to the society. There is no authorization by the complainant to the petitioner for printing the labels.

It is confirmed and verified by the learned counsel for the State, on instruction from ASI Joginder Singh, that challan/report under Section 173 Cr.P.C. has been presented. Four other accused persons are in custody. One accused, Sapna Matta has been released on bail by learned trial court on 09.12.2014. It is also verified by the learned counsel for the State that no other case is pending against the petitioner.

Keeping in view the nature of allegations levelled against the petitioner, the fact that he has been in custody since 24.09.2014 and the report under Section 173 Cr.P.C. having been presented, further incarceration of the petitioner is not called for.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

In view of the above but without commenting or expressing any opinion on the merits of the case, this petition filed by Mohammad Javed Khan is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court.

It is, however, clarified that none of the observations made hereinabove shall be a reflection on the merits of the case and shall have no bearing on the trial.

January 5, 2015.
'om'

(LISA GILL)
JUDGE