

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

CRM-M-42596-2018

Date of Decision:12.10.2018

Suresh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 of Cr.P.C in case FIR No.108 dated 04.09.2018 registered under Sections 51, 52A, 63, 68 of Copy Right Act, 1957 and Section 420 IPC at Police Station City-II Malerkotla, District Sangrur.

2. Learned counsel for the petitioner vehemently contended that petitioner's name has been cropped in the matter on the disclosure statement of one Vivek Mittal. Allegations are that Vivek Mittal was caught with 18 bags of salt in the name of TATA Salt, even though, salt as well as label are not related to the TATA company. Vivek Mittal in his disclosure statement alleged that he had purchased recovered 18 bags consisting of 875 Kg. of salt from the petitioner. Learned counsel for the petitioner submitted that other than the disclosure statement of Vivek Mittal, no material has been placed on record so as to implicate the petitioner.

3. On the other hand, learned State counsel on instructions from ASI Narinder Singh pointed out from the order dated 18.9.2018 passed by the Sessions Court in Bail Application No.2340 dated 6.9.2018 that Court has taken note of the recovery as well as statement of Vivek Mittal to the extent that he has purchased material from petitioner-Suresh Kumar. Therefore, custodial interrogation of the petitioner is required. Hence, petitioner is not entitled to anticipatory bail.

4. Heard learned counsel for the parties.

5. Crux of the matter in the present case is whether petitioner is directly involved in the alleged fake TATA salt to the extent of 18 bags

which were recovered from one Vivek Mittal and FIR has been registered. No document insofar transaction between the petitioner and Vivek Mittal who was in possession of 18 bags of salt which were not related to TATA company are produced. In the absence of specific material relating to connection with the petitioner and Vivek Mittal insofar as transaction of seized fake TATA salt, petitioner has made out prima facie case for anticipatory bail.

6. Accordingly, Petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on pre-arrest anticipatory bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. Petition stands allowed.

12.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**