

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

CRM No.M-49092 of 2018 (O&M)
Date of Decision: November 28, 2018

Ombir Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjay Vashisth, Advocate
for the petitioner.

Mr.Pradeep Sharma, AAG, Haryana
for the respondent-State.

Mr.Pradeep Virk, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 read with Section 482 Cr.P.C. for grant of anticipatory bail in case FIR No.425 dated 17.11.2017 under Sections 420, 120-B IPC and Section 63 of the Copy Right Act, registered at Police Station Sector-18, Gurugram.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR has been got registered by Tarun Kilania on the allegations that accused-petitioner is infringing trademark of the complainant 'Body Buildo'. It is in the FIR that complainant

received a packet from courier agency; price:1990, invoice No.8902 dated

13.11.2017. On the outer cover of the packet on the bill, it was written 'Body Buildo' and after opening the product, complainant found the product named 'Body Growth' inside. As per prosecution version, by investigating so many persons, they reached to the present petitioner, who is main accused selling the product.

Learned counsel for the petitioner argued that petitioner has no concern with the *sasta bazaar* which is selling the product and there is no cogent evidence qua that. On the other hand, learned State counsel has shown so many documents to connect the present petitioner with the crime and also contended that petitioner is one of the main accused. The E-mail used is of the present petitioner. Learned State counsel argued that by doing all this, the present petitioner has put the original company/complainant to loss of crores of rupees.

After seeing the police file and after going through the record, in no way, it can be held that petitioner has no concern with the offence. Present petitioner has been nominated in the present FIR and evidence connecting him is also collected by the Investigating officer in the present case.

Keeping in view the facts and circumstances of the present case, I find that the petitioner is required for custodial interrogation and no ground is made out for grant of anticipatory bail to him.

Therefore, finding no merit in the present petition, the same is dismissed.

November 28, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No