

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

207/5

CRM-M-21035-2018

DATE OF DECISION: 21.05.2019

SUKHDEV SINGH AND ORS

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Bains, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Bikramjit Aurora, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No.0064 dated 22.04.2018, under Sections 102/103/104 of Trade Marks Act and Sections 420/120-B IPC, registered at Police Station Division C District Amritsar (Annexure P-1/T).

Learned counsel for the petitioners contends that the allegations in the FIR are that the petitioners are illegally using the trade mark which is allegedly stated to be registered in the name of respondent No.2. He also contends that two other similar FIRs had been registered by the complainant and the petitioners have challenged the validity thereof and coercive action against the petitioners has been stayed by a coordinate Bench of this Court.

A coordinate Bench of this Court, by the order dated 17.05.2018, had directed the petitioners to appear before the Investigating Officer and join the investigation and in the event of their arrest, they were to be released on ad-

interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned counsel for the complainant, however, has opposed the grant of anticipatory bail to the petitioners by stating that through the deed of assignment, the complainant was granted the exclusive right of use of the trade mark. He also states that Registrar of the Trade Marks has also opined that there is no trade mark registered in the name of the petitioners. However, this is seriously disputed by the counsel for the petitioner who states that the matter with regard to the use of trade mark is pending adjudication before the Registrar, Trade Marks.

Learned State counsel, upon instructions from HC Hardeep Singh, states that the petitioners have joined investigation and are not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioners and keeping in view the fact that the petitioners have joined investigation, the order dated 17.05.2018 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

21.05.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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