

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

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CRM-M-950-2020.

Date of Decision: 07.01.2021.

Dharambir

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Argued by: Mr. Ankur Lal, Advocate, and
Mr. Neeraj Yadav, Advocate for petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Mr. Abhinav Sood, Advocate for
Mr. Jay K. Bhardwaj, Advocate for the complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.454 dated 23.12.2019 under Sections 37, 51, 63, 65 and 69 of Copyright Act, 1957 and Sections 379 and 420 IPC read with Section 34 IPC, registered at Police Station Dharuhera, District Rewari.

Learned counsel for the petitioner *inter alia* contended that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urged that petitioner was having a valid licence which was issued by the Ministry of Information and Broadcasting and as per the provisions of Cable Television Networks (Regulation) Act, 1995 (hereinafter to be referred to as "Act, 1995), the petitioner was registered as a Cable Operator and, thus, fully complied with the provisions of the said Act. He further urged that offences under Sections

37, 51, 63, 65 and 69 of the Copyright Act, 1957, are bailable, whereas ingredients of offences under Sections 379 and 420 IPC are not made out against the petitioner as he was having valid licence to run the cable channels. He further urged that confiscation of equipments of petitioner by the police was in violation of provisions of Section 14 of Act, 1995. He further urged that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing the cause of petitioner has vehemently argued that petitioner was not having any authority to transmit or broadcast any of the paid channels of TV-18 Broadcast Ltd. He further urged that no agreement has been signed by TV-18 Broadcast Ltd. with the petitioner to re-transmit signals of any of its paid channels for the years 2018, 2019 and 2020 and as such transmission that was being done by the petitioner was totally illegal without any licence or authorization. He further urged that petitioner had transmitted paid channels of TV-18 Broadcast Ltd. to more than 70,000 subscribers and that too without any licence and authorization and thereby caused loss of crores of rupees to the complainant company and further Government has also suffered loss due to non-payment of GST. He further urged that seventeen other cases of similar nature have already been registered against the petitioner in different police stations in the States of Haryana and Rajasthan and as such petitioner is a habitual offender. He further urged that in view of nature of offence committed by the petitioner, his custodial interrogation is required to reveal

the truth and as such petitioner is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition, reply as well as additional reply furnished at the instance of respondent-State and complainant.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner was illegally transmitting the paid channels of TV-18 Broadcast Ltd. through its Cable Network under the name and style of Dharambir Digital Network to numerous subscribers without any valid licence and authorization of above said company. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

07.01.2021

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No