

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

205

CRM-M-3072-2021

Date of decision : 20.09.2021.

Naresh Kumar

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ram Bhatia, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.5 dated 06.01.2021, under Section 420 IPC and Section 5 of the Emblems and Names (Prevention of Improper Use), Act 1950 and Sections 63 and 65 of the Copyright Act, 1957, registered at Police Station City Kharar, district SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner has no connection with the heaters and blowers which had been recovered at Kharar. It is alleged in the FIR that the marks of 'Havells' and 'Usha Company' have been put on the products which had been supplied by the petitioner. He further contends that the petitioner has been arraigned as an accused on the statement of co-accused from whom heaters and blowers meant for sale were recovered. Co-accused had stated that the heaters and blowers had been supplied by the petitioner. The brand and the stamp on the heaters and the blowers were of 'Havells' and 'Usha Company'. He also contends that the

petitioner has been arraigned merely on the statement of co-accused and it is possible that misbranding was done at their end as the premises of the petitioner is in Himachal Pradesh and there is no *prima facie* material which would connect the petitioner with the commission of the offence. No recovery has been effected from a place owned or possessed by the petitioner. The petitioner does not have any criminal antecedents.

This Court, by order dated 03.03.2021 had directed the petitioner to appear before the Investigating Officer and join investigation and in the event of his arrest, he was ordered 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 State counsel, upon instructions from ASI Chamkaur Singh, states that although the petitioner has joined investigation but in view of the serious allegations, he is not entitled to the concession of anticipatory bail.

In view of the above and the petitioner having joined investigation, the Covid-19 Pandemic, the order dated 03.03.2021 granting interim bail to the petitioner is made absolute.

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

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 20, 2021
sonia gugnani

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