

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

Sr.No.206

CRM-M No.35733 of 2021

Date of Decision: 08.11.2021

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...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.150 dated 15.05.2021 registered at Police Station Sector 6, Bahadurgarh, District Jhajjar, under Sections 420, 272, 273, 120-B IPC and Sections 63/65 of the Copy Right Act, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that on receipt of a secret information regarding the manufacturing of duplicate products in a factory being run by the petitioner and his co-accused Nikhil Garg with the help of another co-accused named Ashok Kumar, a raid was conducted and huge quantity of loose 'surf', 'masala' (spices) and 'shampoo', along-with packing wrappers and bags of Surf Excel, Everest Masala, Dove

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Shampoo, Clinic Plus Shampoo and Tata Premium Tea etc. were recovered from the spot and were taken into possession.

Learned State counsel has forwarded the '*Pairvi*' report to this Court through the '*WhatsApp Group for Video-Conferencing*' and the same has been placed on the file.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the said FIR was registered on 15.05.2021 and the premises, wherein the factory in question was allegedly being run, were taken on rent on 01.05.2021 whereas the petitioner was behind the bars during the period from 15.04.2021 to 25.05.2021 in connection with some other criminal case. Secondly, he has contended that accused Ashok Kumar was nabbed by the raiding party at the spot and the petitioner has been involved/implicated in the instant case merely on the basis of the disclosure statement as allegedly suffered by his afore-named co-accused and he was not present at the spot and lastly, he contends that the co-accused of the petitioner named Ajay Jain has already been extended the relief of interim bail by this Court vide the order Annexure P-4 and the petitioner also deserves the same relief on the basis of parity.

Per contra, learned State counsel argues that the petitioner had been running the business of manufacturing duplicate products and selling the same with fake labels/wrappers of the reputed and established

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manufacturing companies and in view of the gravity of the offence committed by him, this petition be dismissed.

Even if the petitioner was in the jail on the date of the registration of the present FIR but the fact remains that it has specifically been alleged in this FIR that the factory in question was being run by him and his co-accused Nikhil Garg with the help of accused Ashok Kumar who had been employed/engaged by them as the Manager. Even otherwise, this aspect can be looked into and considered by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same does not suffice at all, at this stage, to extend the relief of anticipatory bail to the petitioner. Further, though, the petitioner claims that the factory premises in question were taken on rent on 01.05.2021 but it is worth-while to mention here that no material has been placed on the file to substantiate the afore-said fact.

As regards the contention qua the implication of the petitioner in this case merely on the basis of the alleged disclosure statement of his co-accused Ashok Kumar, the same is not factually correct because a bare reading of the FIR, Annexure P-1 itself reveals that the police party had received a secret information regarding the factory in question being run by the petitioner and his above-said co-accused for manufacturing duplicate goods.

Lastly, though, vide the order Annexure P-4 passed by this Court in CRM-M No.23065 of 2021, the co-accused of the petitioner

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named Ajay Jain has been extended the relief of interim bail but again, it is pertinent to mention here that the roles attributed to the petitioner as well as to his afore-named co-accused in the alleged commission of the crime, are not at all on the same footing and therefore, the petitioner cannot claim the relief of anticipatory bail on the ground of parity.

Keeping in view the fore-going discussion as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of this case.

(MEENAKSHI I. MEHTA)
JUDGE

08.11.2021.

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Whether speaking/reasoned

Yes

Whether Reportable

No