

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36207-2021 (O&M)
Date of Decision:-4.10.2021

Vikas ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Randhir.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.264 dated 12.6.2021 at Police Station City Jind, District Jind, Haryana under Sections 103, 104 of Trade Marks Act, 1999, Sections 51/63/65 of Copy Rights Act, 1957 and Sections 272, 273, 406, 420, 467, 468, 472, 473, 475, 476, 486 and 120-B of Indian Penal Code.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that some persons were selling spurious 'Vanaspati Ghee' of Raag Company (Adani Wilmar) at Indra Market, Jind. Pursuant to receipt of said information, the police party went to the nominated place where a TATA

ACE vehicle bearing registration No.HR-45B-5888 having 100 tins of 'Raag Vanaspati Ghee' loaded was found. The information was sent to the local Food Safety Officer (FSO). The truck in question alongwith its driver were brought to the police station. The FSO Smt. Harsh Kumari, drew samples from the tins of '*ghee*'. It is further the case of prosecution that in the meantime, a complaint was received through e-mail from Mr. Asheesh Gupta, Senior Manager (Legal), Adani Wilmar for registration of FIR for offences under Sections 103, 104 of Trade Marks Act, 1999, Sections 51/63/65 of Copy Rights Act, 1957 and Sections 272, 273, 406, 420, 467, 468, 472, 473, 475, 486 read with Section 120-B of Indian Penal Code, 1860 and pursuant thereto FIR No.264 dated 12.6.2021 at Police Station City Jind, District Jind, Haryana under Sections 103, 104 of Trade Marks Act, 1999, Sections 51/63/65 of Copy Rights Act, 1957 and Sections 272, 273, 406, 420, 467, 468, 472, 473, 475, 476, 486 and 120-B of Indian Penal Code came to be lodged.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and was never ever arrested at the spot and cannot be connected with the alleged spurious '*ghee*'. It has further been submitted that upon chemical analysis of the samples drawn from the tins of '*ghee*', the same was found to be in conformity with the prescribed standard. It has also been submitted that the petitioner is sought to be nominated on the basis of some disclosure statement made by driver of the vehicle in question, which would hardly carry any evidentiary value.
4. Learned counsel for the petitioner has submitted that he had infact purchased the tins of '*ghee*' in sealed condition from 'M/s Sudhir Jindal & Company'

vide invoice dated 7.6.2021 (Annexure P-5) and, as such, it cannot be said that he had manufactured the allegedly spurious '*ghee*' in question.

5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant, has submitted that in the instant case, it is no doubt correct that the petitioner was not arrested at the spot but the driver of the TATA ACE vehicle from which 100 tins of 'Raag Vanaspati Ghee' were recovered, has categorically stated that the said tins of '*ghee*' had been got loaded by Parveen Bansal from the godown of present petitioner Vikas, which is situated at Shyam Market, Luxmi Vihar, Ward No.12, Barwala and the same were to be delivered at 'Baby Kiryana Store, Jind'. Learned State counsel has further submitted that the statement of Asheesh Gupta, Senior Manager (Legal), Adani Wilmar has also been recorded, who has categorically stated that the tins recovered had not been manufactured or supplied by their company.
6. Learned State counsel has further submitted that the invoice dated 7.6.2021 (Annexure P-5) does not disclose the description of brand of the '*ghee*' and, as such, the same is not of any use to the petitioner. Learned State counsel has additionally informed that the petitioner has previously been involved in 3 identical cases out of which he stands acquitted in one while two are still pending and that in view of the chequered antecedents of the petitioner, wherein he is virtually playing with the lives of people by supplying spurious '*ghee*', no case for grant of anticipatory bail is made out.
7. I have considered rival submissions addressed before this Court.
8. It is no doubt correct that as per the report of FSL the recovered '*ghee*' was found to be conforming to the prescribed standard but the same would not

absolve the petitioner of his liability of having manufactured or for selling 'duplicate' *ghee* not having been manufactured by the company, which the label professes. Further the antecedents of the petitioner show that he is habitually into these kind of offences, which can have very larger ramifications and in certain cases could even be injuries to health of innocent persons. In these circumstances, this Court does not find any special case for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

4.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No