

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53153-2021 (O&M)
Reserved on 03.02.2022
Pronounced on 08.02.2022

Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvinder Singh, Advocate
for the petitioner.

Mr. A. S. Narwal, DAG, Haryana
for respondent-State.

SANT PARKASH, J.

Case is taken up for hearing through video conferencing.

Through this petition, petitioner seeks anticipatory bail under Section 438 Cr. P. C. in case FIR No.0719 dated 27.11.2021 registered under Sections 63, 65 of the Copy Right Act, 1957 and Sections 120-B, 272, 273, 420, 467, 468 and 471 IPC at Police Station Narnaund, District Hansi.

Learned counsel for the petitioner submits that the allegation levelled against the petitioner is that he used to produce and sell fake desi ghee using the brand name of Madhusudan Desi Ghee and Paras Desi Ghee. It is submitted that raid was conducted at Garg Kiryana Store and upon search, 7 boxes of one litre Tetra and two plastic jars of 15 kilograms of each of fake Madhusudan Desi Ghee and 5 packets of one litre each of fake

Paras Desi Ghee were recovered and shopkeeper of Garg Kiryana Store, namely, Ashwani was got arrested on the spot. He further submits that the present petitioner has been indicted on the basis of disclosure statement made by co-accused Ashwani Kumar. However, the present petitioner was neither present on the spot nor any recovery has been effected from him. Thus, he prays for anticipatory bail to the petitioner.

Per contra, learned State counsel while opposing the grant of anticipatory bail to the petitioner submits that the allegations levelled against the petitioner are serious in nature; that one another case of similar nature i.e. producing and selling fake desi ghee, bearing FIR No. 202 dated 07.07.2018 and; that two other cases are pending against the petitioner.

I have heard the learned counsel for the parties.

After having heard and bestowal of thoughts and without expressing any opinion of merits of the case, this Court of the considered opinion that the pendency of the other criminal case with regard to the similar offence should not come in the way of extending the concession of anticipatory bail.

Concededly, the petitioner was not apprehended on the spot and his name was cropped up in the disclosure statement of one Ashwani Kumar, from whom the recovery of the Desi Ghee having labled as Madhusudan Desi Ghee was got effected.

Taking into consideration the totality of circumstances and further considering that the custodial interrogation of the petitioner is not

required, this court of the view that no useful purpose would be served by sending him to custody.

In view of the above, the instant petition is allowed. However, the petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, then he will be released on anticipatory bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for the cancellation of bail.

Disposed of accordingly.

Pronounced on 08.02.2022

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**(SANT PARKASH)
JUDGE**

Whether reasoned/speaking? *Yes/No*

Whether reportable? Yes/No