

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

CRM-M-8608-2023

Date of Decision: 29.05.2023

ABHI MEHRA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

Mr. Rituraj Singh, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.0072 dated 25.06.2021 registered under Sections 408 of Indian Penal code and Section 66 and 72-A of I.T Act 2000, at Police Station Meharban, District Ludhiana.

On 20.03.2023, the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.0072 dated 25.06.2021, registered under Section 408 of the Indian Penal Code, 1860, and Sections 66 and 72-A of the Information Technology Act, 2000, registered at Police Station Meharban, District Ludhiana (Annexure P-1).

Succinctly, the aforesaid FIR was registered on the complaint of one Jatinder Pal Singh, who had stated that he has a factory at Bajra Road, Ludhiana with the name of Parmeshwari Silk Mill Limited, wherein cloth is manufactured and designed. It is stated that he had employed the petitioner (Abhi Mehra) as designing head for digital print. It is alleged that the designs were purchased by them from Europe and Australia or they were prepared by themselves. It is further alleged that the abovesaid persons had been stealing the designs of cloth since 2016 and they further sell to

Bhanu Embroidery Private Limited and other and thus, caused huge loss to their firm. Hence, it was stated that action be taken against the petitioner and owners of other firms. Accordingly, the aforesaid case FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner was not in the knowledge whether any designs were purchased or created by the complainant nor any registration/copyright had either been disclosed or produced. It is stated that the complaint had been submitted only on the basis of suspicion and there is no material to show that either the designs were copied or the same were sent to other persons. Learned counsel for the petitioner submits that complaint was made in October, 2019 and the FIR has been registered in June, 2021 under political pressure because the complainant is an influential person. It is further submitted that no FIR has been registered against the alleged purchasers of the designs and the petitioner is wrongly been targeted. It is stated that the petitioner has no concern with the allegations made in the FIR and neither is petitioner involved in any other case. Learned counsel further submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by the learned Additional Sessions Judge, Ludhiana, vide its order dated 08.02.2023. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed by learned State counsel that the initial complaint was made in the year 2019 and the FIR was registered in June 2021. It is also not disputed by learned State counsel that the petitioner is not involved in any other case.

List on 29.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Yogesh Sharma has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage the present petition is allowed and the ad-interim order dated 20.03.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

(HARSH BUNGER)
JUDGE

29.05.2023
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