

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:033254
CRM-M-64084-2023
Date of Decision: March 07, 2024

Nitin Kohli

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dhruv Gupta, Advocate for the petitioner.
Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

On 20.12.2023, the following order was passed by this
Court:-

“By way of present petition filed under Section 438 Cr.P.C. prayer is made for grant of anticipatory bail in case FIR No.696 dated 27.11.2023, under Sections 63/65 of the Copyright Act, 1957, besides Sections 420 and 120-B of IPC, registered at Police Station Mahesh Nagar, District Amabala.

Allegations are that on the basis of secret information, a raid was conducted by the police. Co-accused Kamaldeep Singh and Aditya were found preparing spurious shampoo of the famed companies. It is alleged that petitioner has been nominated by the co-accused to have taken the premises on rent.

Learned counsel for the petitioner contends that provisions of Sections 63 and 65 of the Copyright Act have been wrongly invoked because the said provisions deal with original literary, dramatic, musical and artistic works, cinematograph films, sound recording. Learned counsel further contends that at the most the offence may fall under the provisions of Trade and Merchandise Marks Act, 1999, for which a specific procedure is provided under the Act. Learned counsel contends further that in case the provisions of Trade and Merchandise Marks Act are applicable, then Section 420 IPC cannot be invoked. Learned counsel has relied upon “Anil Kumar v. State of Punjab and another” (CRM-M-9229-2009, decided on 22.03.2011).

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 07.03.2024 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 20.12.2023 and is no longer required for further investigation.

3. In view of the aforesaid, the order dated 20.12.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

March 07, 2024

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No