



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-15025-2025
DECIDED ON : 21.04.2025

SHAM SUNDER AGGARWALPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Urvashi Dugga, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sham Sunder Aggarwal, aged about 60 years	0007	01.02.2025	318(4), 336(2), 336(3), 61(2) of BNS, 2023 and Section 104 of Trade Marks Act, 1999	Kamboj	Amritsar Rural

2. On 19.03.2025, following order was passed:-

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“Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<i>Name of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Sham Sunder Aggarwal, aged about 60 years</i>	<i>000 7</i>	<i>01.02.2025</i>	<i>318(4), 336(2), 336(3), 61(2) of BNS, 2023 and Section 104 of Trade Marks Act, 1999</i>	<i>Kamboj</i>	<i>Amritsar Rural</i>

2. The allegation in the FIR is that the petitioner and his son own a company called “Radha Petro.” However, upon receiving a complaint under the Trade Marks Act regarding cheating the general public, a raid was conducted, during which stickers of branded companies such as Servo Company and Hero Company etc., were recovered from the spot. Additionally, a large quantity of duplicate materials in the form of stickers and 20 drums of inferior-quality Mobil oil was also recovered.

3. Learned counsel for the petitioner contends that, as per the FIR, at the time of the raid at the petitioner’s premises, no items were being manufactured on-site. A false recovery has been shown against the petitioner and his son to defame them in their own business.

Further submits that at this stage, custodial interrogation is not going to serve any purpose to the prosecution agency, moreover, all the recoveries have already been effected from the spot, as alleged in the complaint. Besides, petitioner offers himself to join

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proceedings of investigation. Thus, prays for grant of concession of anticipatory bail..

3. *Notice of motion.*

4. *5. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, accepts notice and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and, in case of necessity, to file status report.*

Let a copy of the complete paper book be supplied to learned State counsel during course of the day.

6. *Adjourned to 21.04.2025.*

7. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

8. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

9. *Status report be filed meanwhile. ”*

3. Learned counsel for the petitioner contends that in compliance of the order dated 19.03.2025, passed by this Court, the



petitioner has joined the investigation and has fully co-operated. He further submits that no meaningful purpose for custodial interrogation would be required, thus, prays for confirmation of the interim order dated 19.03.2025.

4. On the other hand, learned State counsel has filed status report dated 19.04.2025 in the Court today and the same is taken on record. He submits that the petitioner has joined the investigation but for other reasons, the custodial interrogation of the petitioner is required, however, he could not explain any substantial reason seeking custodial interrogation.

5. Heard learned counsel for the parties.

6. Considering the plea addressed from both sides, going through the petition and the status report, the present petition is allowed and ad-interim order dated 19.03.2025, passed by this Court is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 21, 2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No