

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-47105-2025
Date of decision: 04.11.2025

JIMMY KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Harish Goyal, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.142 dated 28.7.2025 registered under Sections 103, 108 of Trade Marks Act, 1999 at Police Station City 2, Mansa, District Mansa.

2. On 09.09.2025, following order was passed:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.142 dated 28.7.2025 registered under Sections 103, 108 of Trade Marks Act, 1999 at Police Station City 2, Mansa, District Mansa.

As per prosecution case, one Radhey Sham Yadav, Field Officer of authorised company M/s Adidas AG and Nike Innovative CV checked the premises of the present petitioner where he was allegedly manufacturing duplicate lowers with marka of Adidas and Nike in his premises at Mansa. After FIR was registered, the matter was investigated by DSP, Mansa and the articles were taken into possession.

Learned counsel for the petitioner contends that the offences under Sections 103 and 108 of Trade Marks Act, 1999 are punishable with maximum sentence of 3 years and as per proviso to Section 115 (4) of the said Act, the police officer before making any search or seizure, shall obtain the opinion of the Registrar on facts involved in the offence relating to trade mark and shall abide by the opinion so obtained. Learned counsel next contended that no such opinion



- 2-

from the Registrar has been obtained. The petitioner is ready to join investigation. Recovery has already been effected and as such, nothing remains to be recovered and the petitioner undertakes to abide by the conditions that may be imposed by the Court.

On the other hand, learned State counsel has opposed the bail and filed status report by way of affidavit of Butta Singh, DSP, Sub Division, Mansa, District Mansa and argued that the petitioner has committed a heinous crime and he is, thus, not entitled to be released on ad-interim bail.

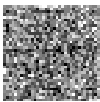
Adjourned to 4.11.2025.

Meanwhile, the petitioner is hereby directed to join the investigation and in the event of his arrest, he shall be released on ad-interim anticipatory bail to the satisfaction of the Arresting/Investigating officer subject to the following conditions as envisaged under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.) :-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the prior permission of the Court;*
- (iv) such other condition as may be imposed under subsection (3) of Section 480, as if the bail were granted under that section."*

3. Today learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 09.09.2025 and is no longer required for further investigation.

4. In view of the aforesaid, the order dated 09.09.2025, whereby the



- 3-

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.

- 5. Disposed of.
- 6. Pending misc application (s), if any, shall also stand disposed of.

04.11.2025
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(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No