

**In the Court of Rajesh Kumar,
Additional Sessions Judge, Amritsar**

CNR No. PBAS010092882023



Case No. BA/3057/2023

Presented on : 29-05-2023
Registered on : 30-05-2023
Decided on : 01-06-2023

State

Vs.

Davinder Singh s/o Surjit Singh, r/o House No.172, Nivi Abadi, Gali No.2, Hakiman Gate, Shaheed Udham Singh Colony, Amritsar, Tehsil and District Amritsar.

..... Accused

**FIR No.111 Dated 26.05.2023.
U/S. 420 IPC & 63/64 of Copy Right Act.
Police Station: Hakiman Gate, Amritsar.**

1st bail application under Section 438 Cr.P.C.

Present:- Sh. Nitin Sharma, Adv. counsel for applicant/accused
Ms. Rittu Kumar, learned Addl.PP for the state assisted by
Sh. Deepak Khandelwal, Adv. Counsel for complainant

ORDER:-

1. This order of mine shall dispose of bail application filed by the applicant/accused under Section 438 of Cr.P.C.

2. Concise facts necessary for the disposal of this bail application are that present case was registered on the statement of complainant Nilesh Kumar alleging therein that survey of Amritsar City was conducted and during survey it was found that Davinder Singh Cement Store – Sarpanch Di Hatti and its adjoining store i.e. Happy Cement Store were involved in selling duplicate cement of ACC Company by packing the same in the duplicate sacks and in this way they were cheating the general public as well as ACC Company. The above said sellers also kept duplicate sacks of the company in their stores. On checking by the expert, 150 sacks of duplicate Cement recovered from Davinder Singh Cement Store and 3 sacks of duplicate cement recovered from Happy Cement Store. Owner of Happy Cement Store namely Nishan Singh managed to slip away from the store. Samples were taken at the spot. Action be taken.

3. Notice of bail application was given to state and record was also summoned.

4. Learned counsel for the applicant argued with the lines of bail application and submitted that applicant is ready to join the investigation as per the terms and conditions imposed by the court. On the contrary, learned Addl.P.P. for the state assisted by learned counsel for

the complainant has argued that custodial interrogation of applicant is essential for excavating the true facts. Thereafter, prayer was made to dismiss the bail application.

5. Heard. As per prosecution story, recovery of duplicate cement effected from the store of the applicant/accused whereas applicant/accused managed to slip away from the spot. Learned counsel for the applicant/accused has argued that no offence under Section 420 IPC is made out and said Section has been added wrongly. It is further argued that only offence under Section 63 of the Copy Right Act is made out. On the other hand, learned Addl.P.P for the State assisted by learned counsel for the complainant has argued that an offence under Section 63 of the Copyright Act, 1957 also invites Section 420 of the IPC and in order to support their plea relied upon case laws titled as **“Piyush Subhashbhai Ranipa Vs. State of Maharashtra, 2021 SCC On-Line Bom 350”**; **“Rajesh Garg Vs. Tata Tea Ltd. & Anr. 2011 (123) DRJ 186**; and **“Sunil Kumar Gupta & Anr. Vs. State 74 (1998) DLT 838”**. In view of the case laws mentioned above and further keeping in view that the case is at its initial stage and further the allegations are serious in nature, the custodial interrogation of the applicant/accused is necessary in the present case in order to reach the root of the case and to

excavate the true facts. No special ground is made out to grant pre-arrest bail to the applicant at this stage. Therefore, without commenting on merits, the instant bail application deserves dismissal and is hereby dismissed. Police record be returned forthwith along with copy of this bail order, and bail application file be consigned to record room.

PRONOUNCED IN OPEN COURT.

DATED: 01.06.2023.

**(RAJESH KUMAR)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR. UID No.PB0441**

Narinder Sharma, Stenographer Grade-II