

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

CRM-M-37338-2016 (O&M)

Date of decision : 18.11.2016

Joy Phillip and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. APS Chaudhary, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Sukhdeep Singh.

Mr. Harkeerat Singh, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in FIR No.180 dated 30.09.2016, registered under Sections 420 and 120-B of the Indian Penal Code, (for short, 'the IPC') at Police Station Model Town, Distt. Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contends that the Mahindra XUV vehicle of the complainant, Sanjay Chopra, was sold to the petitioner through one Vijay Verma, who is also a car dealer. It is averred that the a vehicle make Tata Safari, belonging to the petitioner along with an amount of Rs.4.25 lacs. was handed over to the complainant in lieu the cost of Mahindra XUV vehicle. In fact, the petitioners have been cheated at the

hands of both the complainant and petitioner No.2 has been constrained to file a civil suit for mandatory injunction directed them to hand over the original RC of the vehicle being transferred in the name of the petitioners along with other relevant papers. Another FIR No.119 dated 04.07.2016, under Sections 336 and 506 read with Section 34 of the Indian Penal Code and Section 25 and 27 of the Arms Act, has been registered against the complainant and 3-4 unknown persons at the behest of the petitioners.

On the other hand, learned State counsel, on instructions, states that the petitioners are habitual offenders and involved in as many as five more cases and they have been declared proclaimed offenders in two cases.

Heard.

Keeping in view the antecedents of the petitioners, no case for grant of bail is made out.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

18.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No