

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

**CRM No. M-41444 of 2015 (O&M)
Date of Decision: 28.01.2016**

Joy Phillip

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Hemender Goswami, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks concession of anticipatory bail in case
FIR No.200 dated 18.11.2015, under Sections 420 and 506 of Indian
Penal Code, registered at Police Station Division No.4, Ludhiana.

While issuing notice of motion, the following order was
passed by this Court on 07.12.2015:

*“Petitioner seeks pre-arrest bail in FIR No.200
dated 18.11.2015 under Sections 420 and 506 IPC
registered at Police Station Division No.4, Ludhiana.*

*Learned counsel for the petitioner refers to fIR
No. 115 dated 11.06.2015 (Annexure P-3) lodged by the
brother of the petitioner against one Pritpal Singh and his
wife Jaspreet Kaur. He further submits that the present
FIR has been got registered at the instance of Pritpal
Singh and his brother-in-law Narinder Singh Malhi as a
counter blast to the said FIR. He also submits that
neither there was any occasion for the petitioner nor he
actually indulged in the activity alleged against him,
because of which custodial interrogation of the petitioner
would not be required.*

Notice to Advocate General, Punjab, for

28.01.2016.

In the meantime, in the event of arrest, petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 22.12.2015 and cooperate with the investigating agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigating agency by issuing a notice under Section 160 Cr.P.C.”

Learned State counsel upon instructions from HC Balwant Singh, would apprise the Court that the petitioner has since joined investigation.

Suffice it to notice that the allegations against the present petitioner are with regard to having induced the complainant to part with a sum of Rs.2,55,000/- on different dates to secure a loan under the Berozgar Yojna framed by Government of India.

Prima facie this Court finds weight in the submission made by the counsel for the petitioner that the petitioner himself is running a poultry farm and would be in no position to facilitate the grant or sanction of loan under Berozgar Yojna and as such the allegations on the face of it are improbable.

In view of the above and without expressing any opinion on merits, petition is allowed. Order dated 07.12.2015, passed by this Court, is made absolute.

28.01.2016

**(TEJINDER SINGH DHINDSA)
JUDGE**