

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr.No.221

Criminal Misc.M-No.28435 of 2018
Reserved on:24.08.2018
Date of Pronouncement:28.08.2018

Dilpreet Bedi

....petitioner

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Navkiran Singh, Advocate
for the petitioner

Mr.Sidakmeet Sandhu, AAG Punjab

Mr.Veneet Sharma, Advocate
for the complainant

ARVIND SINGH SANGWAN, J. :

CRM No.29373 of 2018

Application is allowed as prayed for. Annexure A1 is
taken on record.

Criminal Misc.M-No.28435 of 2018

Prayer in this petition is for grant of regular bail in FIR
No. 216 dated 25.07.2017 under Sections 307/ 324/ 326/ 427/ 506/
148/149 IPC, registered at Police Station Division 'E', District Amritsar
City (Annexure P1).

Learned counsel for the petitioner submits that as per the allegation in the FIR, got registered by Rashmi Bedi, wife of co-accused Sandeep Bedi (who is the real brother of the present petitioner), she was married with Sandeep Bedi and out of this marriage two sons were born. It is further stated in FIR that since her husband used to maltreat her, she returned back to her parental home, but she was taken back by Sandeep Bedi. In the year 2014, Sandeep Bedi prepared certain fake documents for the purpose of obtaining loan and on that account FIR No.93/14 under Sections 419, 420, 467, 468, 471, 120-B IPC was registered against him at Police Station Civil Lines, Amritsar, but he did not mend his ways. Thereafter, Sandeep Bedi again committed fraud with the complainant, who got FIR No.91 dated 30.05.2016, registered against him under Section 406 IPC, at Police Station Sadar and since then he is threatening her and pressurizing her to withdraw the cases. It is further stated in the FIR that on 23.07.2017, at about 10.15 PM, she was present in her house, when she heard a noise of breaking of the glass. When she came on the road, she saw that her husband Sandeep and his brother i.e.the petitioner Dilpreet along with three other unknown persons were damaging her car with bricks. When she tried to stop them, Sandeep Bedi who was carrying a '*datar*' in his hand attacked on her head which hit on the left front side of her head and blood started oozing out. Thereafter, Sandeep Bedi caught hold of her from hair and threw her on the ground and started beating her. On which she raised noise and hearing her cries, her

mother came to her rescue and many people gathered there. On seeing them, the accused ran away with their respective weapons.

Counsel for the petitioner has argued that as per the opinion of the doctor, when the complainant had come to the emergency, she was conscious and well oriented. Injury No.1 was incised wound of 4.3 x 1 cm on left side of her forehead. Counsel for the petitioner further submits that though on 29.07.2017, the Department of Forensic Medicine & Toxicology, Govt.Medical College, Amritsar, had given an opinion that injury No.1 is grievous in nature, however, based on CT-Scan report, the Board of Doctors constituted by Civil Surgeon, Amritsar, on the request of complainant Rashmi Bedi, found injury No.1 of the above said patient, grievous in nature.

Learned counsel for the petitioner has submitted that on 12.08.2017, the Department of Forensic Medicine and Toxicology, had given another opinion to the SHO, Police Station 'E' Division, Amritsar, regarding the MLR of complainant Rashmi Bedi that the possibility of injury No.1 being caused by friendly hand cannot be ruled out and therefore, in view of the conflicting opinions, it cannot be said, at this stage, that injury sustained by complainant was grievous in nature.

Counsel for the petitioner has further argued that there is no direct allegation against the petitioner except that he is the brother

of the estranged husband of the complainant namely Sandeep Bedi with whom the complainant is having litigation. Counsel for the petitioner has further submitted that initially the offence under Section 307 IPC was deleted but again on the basis of medical report Section 307 IPC has been added and therefore, the role of the police is suspicious as on account of the matrimonial dispute pending between the complainant Rashmi Bedi and her husband Sandeep Bedi, the police is trying to help the complainant. Counsel for the petitioner has submitted that the investigation is complete and the petitioner is no more required in further investigation. The petitioner is in custody since 23.07.2017 and he is not involved in any other case except a jail offence.

In reply, learned State counsel has submitted that the allegations against the petitioner are that he along with his brother Sandeep Bedi have intentionally caused injuries to the complainant and the petitioner has taken active part in the occurrence. Learned State counsel has submitted that the police has initially registered the FIR under Section 307 IPC based on the medical opinion and thereafter, it was deleted. However, on receiving the opinion of Board of Doctors, Section 307 IPC is again added and the police is conducting a fair and impartial investigation.

Learned State counsel, on instructions from the investigating officer has also informed that the petitioner is not involved in any other case except in a case/jail offence for using a

mobile phone in jail.

Learned counsel appearing for the complainant has strongly opposed the prayer for regular bail on the ground that the complainant Rashmi Bedi has filed CRM-M No.28997 of 2017, praying for issuance of a direction to the respondents to investigate the FIR No.91 dated 30.05.2015 under Section 406 IPC, registered at Police Station Sadar, Amritsar, as well as the present FIR, expeditiously, and in a time bound manner. Learned counsel for the complainant has further submitted that in the said petition, vide order dated 09.11.2017, the Commissioner of Police, Amritsar, was directed to ensure that the life and liberty of Rashmi Bedi is fully protected and she is not harassed either at the instance of Sandeep Bedi or the police officials. It is further stated that the said petition is now pending for 24.09.2018.

Learned counsel for the complainant has further submitted that one Gursajan Bedi has also filed a petition bearing CRM-M No.33232 of 2018, praying for protection of his life and liberty as well as of his family members and to take appropriate action on a representation dated 20.04.2018 given to the police. It is stated that Gursajan Bedi is receiving ransom calls from one Harry Chadha and one FIR No.165 of 2016, under Sections 387,506 IPC was registered in Police Station Civil Lines, Amritsar. Counsel for the complainant further submits that in the said petition, it is also stated

that said Harry Chadha is having a conspiracy with Sandeep Bedi, husband of the complainant. Counsel for the complainant further submits that in this petition also vide order dated 17.08.2018, Commissioner of Police, Amritsar, is directed to look into the grievance of Gursajan Bedi to protect his life and liberty and this petition is also listed for 24.09.2018.

It is submitted on behalf of the complainant that in case the petitioner is released on bail, he will create a threat to the life and liberty of the complainant as the complainant is receiving threatening calls from her estranged husband i.e.the co-accused Sandeep Bedi. Counsel for the complainant has also submitted that the said Harry Chadha is a wanted criminal and the police has also issued proclamation in this regard.

In reply, learned counsel for the petitioner has submitted that in the petition filed by complainant Rashmi Bedi i.e. CRM-M No.28997 of 2017, there are no allegations against the present petitioner and all the allegations are against Sandeep Bedi. It is also submitted that the petition filed by Gursajan Bedi i.e. CRM-M No.33232 of 2018, is also filed by the same counsel and therefore, both the complainant and Gursajan Bedi are hand in glove with each other as Gursajan Bedi is a relative of the petitioner with whom there was some business dispute with the co-accused Sandeep Bedi and the said petition filed by Gursajan Bedi is based on false averments just to settle

his personal score with Sandeep Bedi and there is no threat to his life and liberty.

After hearing learned counsel for the parties, I find that the matrimonial dispute between the complainant and co-accused Sandeep Bedi, who is the real brother of the present petitioner, has gone to an extreme extent. The case files of the aforesaid two petitions filed by Rashmi Bedi and Gursajan Bedi, were summoned, as the counsel for the complainant has heavily relied upon the averments made therein. A perusal of CRM-M No.28997 of 2017 filed by Rashmi Bedi shows that the allegations levelled by Rashmi Bedi are against her husband Sandeep Bedi and the name of petitioner is not specifically mentioned. Moreover, the prayer in the said petition is for expeditious investigation of the case and FIR No.91 dated 30.05.2015, in which only Sandeep Bedi is accused as well of the present FIR No.216 dated 25.07.2017 under Sections 307/ 324/ 326/ 427/ 506/ 148/149 IPC, registered at Police Station Division 'E', District Amritsar City, in which report the police has already submitted the report under Section 173 Cr.P.C as petitioner and Sandeep Bedi are arrested.

A perusal of the second petition i.e. CRM-M No.33232 of 2018 filed by Gursajan Bedi also show that he is levelling allegations against one Harry Chadha, claiming him to be an accomplice of Sandeep Bedi and again there are no direction allegations against the present petitioner. Needless to say that in both

these petitions, the present petitioner is not even arrayed as one of the respondents.

Considering the fact that the challan against the petitioner has already been presented and petitioner is no more required for any further investigation and he is in custody for more than four months and there are no direct allegations of causing injury to complainant, the petitioner is directed to be released on bail, subject to furnishing bail/surety bonds to the satisfaction of the trial Court on the following conditions:

- (i)The petitioner shall report to the SHO/Investigating Officer once in every week.
- (ii) The petitioner shall not visit the place of residence or place of work of complainant Rashmi Bedi and in case he is found extending any threat to her, it will be open for the investigating officer to apply for cancellation of bail.
- (iii)The petitioner shall also furnish surety bond for ₹ One lakh of his close relative/mother, to the effect that he/she will keep a watch on the activities of the petitioner and shall be responsible if he is found involved in misusing the concession of bail.
- (iv)The Commissioner of Police, Amritsar, will ensure the protection of life and liberty of the complainant as already directed.

The petition stands disposed of. The observations made in this petition with regard to the facts of CRM-M No.28997 of 2017 and CRM-M No.33232 of 2018 are only for the purpose of deciding this bail application and will have no bearing on the merits of the said cases.

(ARVIND SINGH SANGWAN)
JUDGE

28.08.2018
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Whether speaking/reasoned	Yes/No.
Whether reportable-	Yes/No