

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 2104 of 2021 (O&M)

Date of decision : 27.1.2021

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Amar Bedi

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. L.S. Mann, Advocate for the petitioner

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

Mr. Vaibhav Sehgal, Advocate for respondent No.2.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This second petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Amar Bedi, aged about 53 years, s/o Gurbaksh Singh Bedi, resident of H.No.11, New Jaina Nagar, Jalandhar, an accused in FIR No. 204 dated 6.12.2019, for offences under Sections 419, 420, 120-B, 465, 467, 468, 471 IPC read with Section 82 of the Registration Act, 1908, registered at Police Station P.A.U., District Ludhiana.

Briefly stated, facts of the case, as per prosecution story, are that Mrs. Tejinder Kaur Bedi, since dead, mother of petitioner -accused Amar Bedi, owner of a house measuring 150 sq. yards,

situated at Maharaj Nagar, Ludhiana, had been residing in Thailand for most of the times and she had given the house to her son Amar Bedi for the purpose of looking after only in her absence. Amar Bedi however, hatched a conspiracy with Harchand Singh Numberdar, Dharam Pal, Ashok Kumar and Raj Kumar and forged a Power of Attorney dated 4.11.1999 purported to be executed by his mother Mrs. Tejinder Kaur Bedi in his favour during the period 1993 by causing appearance of some other woman, who impersonated as Mrs. Tejinder Kaur Bedi. As a matter of fact Mrs. Tejinder Kaur Bedi was residing in Thailand during the period 1993 to 2003. on the basis of said forged Power of Attorney, he executed a sale deed bearing No. 7729 dated 3.10.2001 in favour of Ashok Kumar and Raj Kumar. On coming to know about the said forgery and fraud Mrs. Tejinder Kaur Bedi and her other son, Gurpreet Singh Bedi, reported the matter to the police, on the basis of which, formal FIR was registered.

Apprehending his arrest in this case, petitioner – accused Amar Bedi, approached the Court of Sessions at Ludhiana, by moving an application for grant of pre-arrest bail. His such application, which was assigned to Additional Sessions Judge, Ludhiana, was dismissed vide order dated 11.9.2020. Thereafter, he had knocked at the door of this Court, craving for grant of similar relief by way of filing CRM-M- 40710 of 2020 (Annexure P-4). Notice of that petition was given to the State, which was represented by State counsel. Counsel for the complainant had also put in appearance through counsel. The said petition was finally disposed of

vide order dated 21.12.2020, which reads as under :-

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After arguing for some time, realizing that the Court was not convinced with the contentions raised by him and was not inclined to grant the relief prayed for, learned counsel for the petitioner states that he be permitted to withdraw the instant petition for pre-arrest bail since the petitioner would surrender before the police, however, he has requested that a direction be issued to the Court concerned to decide the application for regular bail moved on behalf of the petitioner expeditiously. He has further contended that it is a family dispute and the matter has been compromised between the petitioner and the present complainant, who happens to be his real brother.

Dismissed as withdrawn. It is observed that on petitioner surrendering before the police and moving application for regular bail, the same be decided expeditiously by the Court concerned.”

Now, instead of surrendering before the police, the petitioner has once again started another round of litigation by approaching this Court again for grant of pre-arrest bail without first going to the Court of Sessions, which he was required to do. The reason for coming to this court for the second time seeking anticipatory bail is

that after the death of their mother Mrs. Tejinder Kaur Bedi, the matter has been resolved amicably between the brothers. Mrs. Tejinder Kaur Bedi had executed a legal and valid Will in favour of Gurpreet Singh Bedi and on account of resolution of family dispute, the petitioner be granted pre-arrest bail.

Learned counsel representing the complainant has though admitted the compromise stated to have been arrived at between the parties, but I find that the second petition for pre-arrest bail under the circumstances is not maintainable. The first petition had been dismissed vide detailed order. Since counsel for the petitioner while withdrawing it had stated that the petitioner would surrender before the police, however sought issuance of a direction to the court concerned to decide his application for regular bail expeditiously and such direction was also issued. Now, the petitioner cannot make a turn around in an attempt to wriggle out of that statement and start asking for anticipatory bail. The system cannot work as per whims and fancies of the accused. The petitioner is accused of a serious and grave offence of forging Power of Attorney of his own mother by causing appearance of a impersonator, fully knowing that his mother Mrs. Tejinder Kaur Bedi was in Thailand at the relevant time. Such type of a person with serious allegations of forgery, fraud against him is certainly not entitled to the discretionary equitable relief of pre-arrest bail, which is meant to save the innocent persons from harassment and inconvenience, from arrest and custodial interrogation. Under the circumstances, the custodial interrogation of

the petitioner is found to be necessary to unfold the complete story as to how the alleged crime was planned and executed; the other persons involved therein. In case the custodial interrogation is denied to the Investigating Agency, that would leave many lacuna, loopholes and gaps in the investigation, adversely affecting the investigation, which is not called for.

Thus, no ground for grant of pre-arrest bail is made out. The petition stands dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

27.1.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No