



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-16250-2024 (O&M)
Date of Decision:-29.10.2024

Tilak Raj Bedi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Savara, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Ms. Arti Kaur, Advocate for the complainant.

FIR No.	Dated	Police Station	Section/s
105	23.8.2022	Koom Kalan, District Ludhiana	406, 420, 120-B IPC

GURVINDER SINGH GILL, J. (Oral)

CRM-42543-2024

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-8 to P-12 subject to all just exceptions.

CRM-M-16250-2024 (Main Case)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.

*CRM-M-16250-2024 (O&M)*

(2)

2. The allegations, in nutshell, are that the petitioner had sold 2 acres of land to the complainant by concealing the fact that a loan had been raised against the said land and the land already stood mortgaged and redeemed in favour of the bank in question. The sale deed in respect of the land in question is stated to have been executed for an amount of Rs.40 lakhs.
3. Short reply by way of affidavit of Shri Shivraj Singh Nandgarh, PPS, Superintendent, Central Jail, Ludhiana accompanied by medical report of the petitioner (Annexure R-1) has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, the petitioner is an old infirm person of 70 years, having several ailments and has already been behind bars since the last about 9 months and that the trial has not even commenced till date.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that as a matter of fact the complainant has suffered loss to the tune of Rs.11 crores, which is the value of the land in question and since it cannot be disputed that the land in question stood mortgaged when sale deed was executed and the said fact had been concealed, the complicity of the petitioner is clearly evident. Learned State counsel, however, informed that the petitioner has been behind bars since the last about 9 months and although challan has been presented, but charges are yet to be framed in the present case and as many as 9 PWs have been cited.
6. This Court has considered rival submissions addressed before this Court.



7. While it is correct that the allegations are very specific as regards the fraud committed by the petitioner, but at the same time, this Court cannot lose sight of the fact that the petitioner is a person aged 70 years and as per the medical report furnished by learned State counsel, the petitioner is suffering from some ailments. The contents of medical report (Annexure R-1) annexed with the reply are reproduced hereinunder:

“ Subject: Medical report of UT Tilak Raj Bedi S/o Swarn Bedi.

It is stated that UT Tilak Raj Bedi S/o Swarn Bedi is a chronic case of **Diabetes Mellitus-II with Hypertension since 32 years**. He also has peripheral bilateral sensory neuropathy and heart failure symptoms. He is under treatment as advised by specialist doctors of Civil Hospital, Ludhiana. He is taking subcutaneously insulin twice a day and medical therapy for heart failure.

Today i.e. 28.10.2024, he complains of severe backache, loss of appetite, tingling sensation on bilateral feet, periorbital edema, loss of weight for which he advised medicine. He needs regular follow up at higher center and will be sent for specialist consultation as and when needed.

This is for your kind information please.”

8. The petitioner has been behind bars for a substantial period of about 9 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date. Having regard to the aforesaid facts and circumstances particularly the precarious medical condition of the petitioner and also his custody i.e. about 9 months, the instant petition merits acceptance and is hereby accepted and the petitioner is ordered to be released



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on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No