



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-51712-2024 (O&M)
DATE OF DECISION: 29.11.2024

PARMINDER PAL SINGH BEDI

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Onkar Rai, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. Sardarvinder Goyal, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

CRM-45843-45844-2024

Prayer in this application has been made by the applicant/petitioner for placing on record copies of certain orders/judgments passed by this Court and by trial Court in different proceedings as initiated against the complainant and his family members.

Reply to the application has been filed. Learned counsel for the complainant has vehemently argued that the application does not deserve to be allowed as the documents which are sought to be placed on record, are not relevant for the purpose of decision of the main petition. However, the application is allowed, subject to all just exceptions and the documents annexed with the same are ordered to be placed on record as Annexure P-18 (colly).

Main Case

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1. The instant petition has been filed under Section 438 of Cr.P.C. read with under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short '*BNSS*') for grant of anticipatory bail to the petitioner in case arising out of FIR No.0098, dated 26.07.2024, under Sections 465, 467, 468 and 471 of IPC registered at Police Station Satnampura, District Kapurthala.

2. The petitioner had been booked for commission of aforementioned offences on the allegations that on 02.05.2011, he had prepared a false rent deed qua Hotel Arjun Clark which was previously a shopping complex in the name Arjun Mall, by forging signatures of its owner Smt. Kiran Bhanot i.e. mother of the complainant Arjun Bhanot. The petitioner was close relative to the complainant. On the basis of the above mentioned rent deed, he started claiming himself to be in possession of the building of Hotel Arjun Clark and also filed a civil suit. Inquiry was conducted, on receipt of complaint by the police which revealed that he had forged signatures of Smt. Kiran Bhanot 66 times on the rent deed dated 02.05.2011. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had filed an application for grant of pre-arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 07.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, Smt. Kiran Bhanot who is his maternal aunt (Massi) had herself executed the rent agreement dated 02.05.2011 in favour of the petitioner with an intention to escape from the proceedings initiated by UCO Bank Ludhiana Branch under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest, Act,

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2002 (for short '*SARFAESI, Act*') for taking possession of Hotel Clark inn Arjun, which was lying mortgaged with it, for selling the same. Not only the complainant but his father were also involved in preparation of the said rent deed which was already signed by the complainant when produced before the petitioner. The complainant and his family members had also approached him and instructed to file a Civil Suit against the complainant and UCO Bank only to prolong the *SARFAESI* proceedings and it was on account of their close relationship and while believing the rent deed to be a genuine document, the petitioner had signed the same. It is further submitted by learned counsel for the petitioner that in fact to raise construction over the building of Hotel Clark Inn Arjun and to complete its other pending works, the complainant and his family members had approached the petitioner's company to join hands. The petitioner's company had agreed to the same and an amount of Rs.75 lakhs was paid by it. A Memorandum of Understanding (for short '*MOU*') was executed between the partnership firm of the petitioner and his wife and the company owned by the complainant and her family members. The complainant failed to abide by the terms of MOU thereby compelling the petitioner to initiate proceedings before National Company Law Tribunal, Chandigarh (for short '*NCLT*') and in Arbitration Tribunal and an award was passed on 20.02.2019 in favour of the company of the petitioner, as per which, the company of the complainant was to pay more than Rs.2.5 crores. To avoid the payment of the same and as a counterblast, the present FIR has been lodged against the petitioner. It is submitted that the custodial interrogation of the petitioner is not required. No recovery is to be effected from him. He has not derived any benefit by way of execution of the rent agreement. The ingredients

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for commission of offences of forgery or use of forged document have not been made out against him. He is ready to join the investigation. He is serving as an Assistant Professor in a prestigious Engineering Institute at Delhi. There are no chances of his absconding. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is urged, that he deserves to be given benefit of pre-arrest bail.

4. Status report has been filed by respondent-State, as per which, the allegations against the petitioner are specific and serious in nature as he forged the signatures of mother of the complainant on a rent deed and prepared a false document. His custodial interrogation is required for recovery of some signed stamp papers of mother of the complainant. No extraordinary circumstance has been made for extending the benefit of pre-arrest bail to the petitioner, therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for both the parties at considerable length and have perused the record.

6. The petitioner is alleged to have prepared a rent deed qua the property owned by parents of the complainant by forging the signatures of mother of the complainant over the same and is alleged to have asserted himself to be in occupation of that property as a tenant and is also alleged to have filed a civil suit seeking relief of injunction qua the dispossession from the said property. As per the allegations, the sample signatures of Smt Kiran Bhanot were compared with the signatures on the alleged rent deed and were found to be forged. It has come on record that during the pendency of the Civil Suit filed by the petitioner, the complainant had moved an application on 04.10.2021 for examining a hand writing expert to prove the falsity of the

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signatures on the rent deed. The present FIR, however, been lodged after a gap of period of about three years from the date of moving of that application and after a gap of about 8 years from the date of filing of Civil Suit by the present petitioner. The case is based on documentary evidence. The FSL report qua the genuineness/falsity about the signature on the rent agreement had already been received by the investigating agency. The custodial interrogation of the petitioner is not required. A perusal of documents placed on record reveals that both the parties have been involved in different litigations.

7. In view of above discussed facts and circumstances, this Court is of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the learned trial Court within a period of 10 days from today and on his furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer and subject to compliance of other usual terms and conditions for grant of bail as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (for short ‘BNSS’), 2023.

29.11.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No