
(2019) 01 P&H CK 0049

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Petition (M) No. 41070 Of 2018

Sandeep Singh Bedi

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision: Jan. 17, 2019

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 173, 439
- Indian Penal Code, 1860 - Section 120B, 148, 149, 307, 326, 324, 406, 419, 420, 427, 467, 468, 471, 506

Hon'ble Judges: Arvind Singh Sangwan, J

Bench: Single Bench

Advocate: Navkiran Singh, M.S. Nagra, Veneet Sharma

Final Decision: Disposed Off

Judgement

Arvind Singh Sangwan, J

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR

No.216 dated 25.07.2017, for offence punishable under Sections 307, 326, 324, 427, 506, 148 and 149 of the Indian Penal Code (in short 'IPC'),

registered at Police Station 'E' Division, Amritsar, District Amritsar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by the wife of the petitioner Rashmi Bedi, that

she was married with the petitioner and out of this wedlock, 02 sons are born. It is further stated in the FIR that the petitioner/husband used to

maltreat the complainant and on that account, she returned back to her parental home but was again brought back by the petitioner. In the year 2014,

a dispute arose as the petitioner has allegedly prepared certain fake documents for the purpose of obtaining loan and on that account, she got an FIR

No.93 of 2014 under Sections 419/420/467/468/471/120-B IPC, registered at Police Station Civil Lines, Amritsar. Thereafter, the petitioner again

committed a fraud with the complainant and another FIR No.91 dated 30.05.2016 was registered against the petitioner under Section 406 IPC at

Police Station Sadar Amritsar. It is further alleged in the FIR that on account of registration of the FIR, the petitioner is threatening and pressurizing

her to withdraw the cases. On 23.07.2017 at about 10.15 p.m., when she was present in her house, she heard a noise of breaking of the glass and she

came out on the road and she found that the petitioner and his brother (co-accused " Dilpreet Bedi) along with 03 other unknown persons were

causing damage to her car with bricks and at that time, the petitioner was carrying a datar in his hand. When she tried to stop them, the petitioner

attacked her and caused an injury on the left front side of head and blood started oozing out. Thereafter, the petitioner caught hold of her from hair

and threw her on the ground and started beating her and when she raised noise, her mother and other people gathered there and on seeing them, the

accused ran away from the spot.

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.

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 submitted that the petitioner is in judicial custody since 27.04.2018 and initially, the offence under Section 307

IPC was deleted but again, on the basis of the medical report, it was added and primarily, there is a matrimonial dispute between the petitioner and the

complainant. It is further stated that the statement of the complainant " Rashmi Bedi, has already been recorded by the Additional Sessions Judge

on 10.01.2019 and only part of her cross-examination remains to be recorded.

Counsel for the petitioner has also submitted that the co-accused of the petitioner namely Dilpreet Bedi, who is also the real brother of the petitioner,

has already been granted the concession of regular bail vide order dated 28.08.2018 passed in CRM-M No.28435 of 2018. It is also submitted on

behalf of the petitioner that the dispute arose between the parties, on account of a partnership between the petitioner and one Gursajan Bedi, the first

cousin of the petitioner and he is the person responsible for spoiling the matrimonial life of the petitioner and the complainant. It is also submitted that

there is a delay of 02 days in registration of the FIR.

The operative part of the order granting regular bail to the co-accused of the petitioner namely Dilpreet Bedi, brother of the petitioner, reads as under:-

"...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....â€

In reply, counsel for the State, on instructions from ASI Ravinder Kumar, has not disputed that the statement of the complainant has been recorded by

the Additional Sessions Judge (a photocopy of the same is taken on record as Mark Y).

Counsel appearing for the complainant has, however, opposed the prayer for bail on the ground that the petitioner, apart from the aforesaid 02 FIRs, is

involved in 04 more FIRs and if the petitioner is released on bail, there will be a threat to the life and liberty of the complainant. It is further argued that

even the aforesaid Gursajan Bedi has filed CRM-M No.33232 of 2018, praying for protection of his life and liberty, which was later on disposed of by

this Court.

After hearing counsel for the parties finding that, in fact, it was a matrimonial dispute between the petitioner and the complainant, which has

aggravated to an extent where it seem that the parties cannot reconcile the matter. Therefore, without commenting anything on merits of the case,

considering the fact that the petitioner is in custody since 23.04.2018; the statement of the complainant/injured has already been recorded by the trial

Court and also in view of the fact the petitioner and the complainant are husband and wife and they have 02 minor children and in the litigation

between them, the allegations raised by the petitioner are that one Gursajan Bedi, the first cousin of the petitioner, is the bone of contention and during

the custody of the petitioner, even he has to transfer certain property in his name on account of the business dealings, the present petition is allowed

and the petitioner is directed to be released on regular bail, on furnishing bail/surety bonds to the satisfaction of the trial Court subject to 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 the 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 Rs.1,00,000/- 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.

Disposed of accordingly.