

CRM-M No.40762 of 2015 (O&M)

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**201-A IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

**CRM-M No.40762 of 2015(O&M)
Date of Decision : 11.08.2016**

Vaid Rachhpal Chhama

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. D.D.Sharma, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Ms. Puja Chopra, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.205 dated 15.09.2015 registered under Sections 302/323/148/149 IPC at Police Station Kotwali, District Patiala.

On 09.12.2015 the following order was passed:-

“Petitioner-Vaid Rachhpal Chhama has prayed for grant of anticipatory bail in case FIR No. 205, dated 15.09.2015, for offences under Sections 302, 323, 148 and

149 of the Indian Penal Code, registered at Police Station Kotwali, District Patiala.

As per allegations, on the day of occurrence i.e. 14.09.2015 at around 10.30 a.m., the complainant-Naresh alongwith his friend Gurinder Singh (since deceased) had gone to the shop occupied by the lessee-Col. Sukhdev Singh and the present petitioner-Vaid Rachhpal Chhama. It is alleged that the said Col. Sukhdev Singh armed with glass bottles, petitioner/accused holding a dang, Somil son of the petitioner armed with baseball and other son of the petitioner, armed with dagger were standing there. The said Sukhdev Singh thereafter is alleged to have a raised lalkara and incited the rest of the accused to inflict injuries on the complainant as well as his friend Gurinder Singh, leading to death of Gurinder Singh.

Learned counsel for the petitioner contends that the petitioner alongwith Col. Sukhdev Singh are in legal permissive possession of the shop. The complainant-Naresh alongwith his co-accused were time and again threatening the occupants to vacate and on the fateful day, the duofriends had come at the shop to get the same vacated by force and in the ensuing fight, the accidental death of Gurinder Singh occurred. He further submits that even the fatal blows with the baseball and dagger are attributed to the two sons of the petitioner, although, it is highly doubtful as to whether offence under Section 302 of the Indian Penal Code against them would be made out or not. Be that as it

may, it is submitted that the petitioner is only alleged to be armed with dang and attributed injury on the injured complainant while seeking to protect their legal possession.

It is lastly submitted that the anticipatory bail application of the co-accused-Sukhdev Singh is now listed for hearing on 21.01.2016 wherein interim protection has been granted vide order dated 06.11.2015 (P-4 colly).

Notice of motion for 21.01.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438 (2) Cr.P.C.

To be heard alongwith CRM-M No. 37305 of 2015 titled 'Sukhdev Singh Versus State of Punjab'."

Learned Additional Advocate General, on instructions from ASI Davinder Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 09.12.2015 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

11.08.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No