

CRM-M-29457-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-29457-2015 (O&M).
Decided on: September 8, 2015.**

Harpreet Singh @ Manna

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.S.S.Narula, Advocate,
for the petitioner.**

Mr.J.S.Lalli, Advocate, for the complainant.

M.M.S. BEDI, J. (ORAL)

Petitioner having been summoned as additional accused in the exercise of powers under Section 319 Cr.P.C., has filed this petition for grant of pre-arrest bail.

Counsel for the complainant has intervened to oppose the application submitting that the petitioner along with his other co-accused, similarly circumstanced, had earlier filed an application under Section 438 (2) Cr.P.C. as CRM-M-17674-2015. The said application was allowed qua his co-accused but the petitioner had opted to get his petition dismissed.

Counsel for the complainant has further submitted that the petitioner has been attributed injury on the head of the deceased. Therefore, this second application is not maintainable.

CRM-M-29457-2015 (O&M)

Counsel for the petitioner has submitted that the order summoning the petitioner and others as additional accused has been challenged in CRR-2039-2015 in which notice has been issued to the State. Next date of hearing in said case is stated to be 18.12.2015.

The short question which has arisen for determination of the second petition is whether the present petition is maintainable on the basis of above said changed circumstance.

I have considered the facts and circumstances of this case. The application for pre-arrest bail filed by the petitioner was finally disposed of as dismissed on 24.8.2015. When the application of the petitioner was dismissed, the order dated 24.7.2015, in CRR-2039 of 2015 issuing notice to the State in revision petition challenging the summoning order of the petitioner was already existing. At this stage, it cannot be said that new circumstances have come into existence enabling the petitioner to file a second application under Section 438 Cr.P.C.

The petition is dismissed as not maintainable.

However, nothing said in this order will prejudice the rights of the petitioner to seek concession of regular bail by appearing before the trial Court and his rights in CRR-2039 of 2015.

(M.M.S.BEDI)
JUDGE

September 8, 2015.
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