

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

225)

CRM-M-39495 of 2019

Date of Decision: 03.10.2019

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. H.S. Deol, Advocate, for the petitioner.  
Mr. Surender Singh, AAG, Haryana.  
Mr. Himanshu Rao, Advocate, for the complainant.

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**Amol Rattan Singh, J. (Oral)**

Though learned counsel for the petitioner reiterates what he had submitted on 17.09.2019 when notice of motion was issued, to the effect that the co-accused of the petitioner, i.e. Deepak, had been admitted to bail by this court, learned State counsel submits that actually it is the petitioner who is alleged to have fired on the complainant, with the allegation against Deepak being that he was one of those who caused injuries to the complainant, along with the petitioner and others.

Other than that, it is seen that upon interim anticipatory bail having been granted to the aforesaid Deepak, his petition (CRM-M-29450 of 2019), was disposed of with the interim order made absolute on a statement made by the police official assisting the learned learned State counsel, to the effect that the custodial interrogation of Deepak was not required.

In the present case, the allegation against the petitioner being as above, though no fire arm injury is stated to have been caused, I see no

reason to entertain this petition, which is consequently dismissed.

It is to be noticed further that the learned counsel for the petitioner had submitted that in fact this Court had noticed in the order granting interim bail to the aforesaid Deepak, that he was not named in the FIR, though actually he was named in the FIR.

I do not see how that contention helps the petitioner, because if I had made a mistake in the order admitting the co-accused to bail, on the ground that he was not named in the FIR, obviously not having gone through the FIR carefully, and the allegation against the petitioner still being as noticed above, the interim bail granted to Deepak, made absolute on the statement of the police official himself, would not give any right to the petitioner, in my opinion.

Consequently, this petition is dismissed.

Naturally, the observations made herein above are only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C. and therefore, in the event of his arrest, if he files a petition under the provisions of Section 439 of the Cr.P.C., that petition would be decided wholly on its own merits, as expeditiously as possible.

**03.10.2019**  
vcgarg

**(AMOL RATTAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking: Yes**  
**Whether reportable: No**