

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-23525 of 2016

Date of Decision: July 14, 2016

Santosh and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr.C.L. Verma, Advocate
for the petitioners.

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

Petitioners have approached this Court for grant of pre-arrest bail without approaching the Sessions Court in a case registered at the instance of Harchandi alleging that though he has a decree of specific performance in his favour but in order to defeat his rights, an ante-dated agreement was fabricated by the petitioners in connivance with each other and a suit was also filed to prejudice the rights of the complainant. Complainant has also alleged that he was abducted by petitioner No.4 and others and his thumb impression had been obtained by administering some intoxicating substance to him.

When confronted as to why the petitioners have not availed the alternative remedy of approaching the Sessions Court, the counsel stated that there is apprehension that in case the petitioners go in the area of Palwal, they would be arrested by the police as the complainant happens to be an influential person.

I have considered the said contention and I am of the opinion that the judicial propriety demands that the petitioners should avail the remedy under Section 438 Cr.P.C. by approaching the Sessions Court before coming to this Court.

This petition is thus disposed of relegating the petitioners to avail the remedy of seeking pre-arrest bail by approaching the Sessions Court.

In the interest of justice, it is observed that in case the petitioners have not been arrested till date, their arrest will be kept in abeyance for a period of next two days in order to enable the petitioners to avail the remedy.

Nothing said in this order will be considered prejudicial/beneficial to the petitioners and their application for pre-arrest bail will be decided independently on merits by the Court concerned.

July 14, 2016
sanjay

(M.M.S.BEDI)
JUDGE