

CRM-M-25719-2016 (O&M)

Date of Decision : 30.08.2016

Dilip Kumar Verma

.....Petitioner

versus

State of Haryana

....Respondent

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

Present: Mr. V. Shekhar, Senior Advocate with
Mr. Mohammad Sajid, Advocate,
Mr. C.S. Ashru, Advocate
Mr. Lokesh Sharma, Advocate
Mr. Nishant Anand, Advocate
Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.A.G., Haryana.

Mr. G.S. Gopera, Advocate
for the complainants.**M.M.S. BEDI, JUDGE (ORAL)**

This is second application filed by petitioner for concession of regular bail in 22 different FIRs mentioned in the heading of the petition, registered at different police stations in districts of Sonapat, Kurukshetra, Kaithal, Jhajjar, Rewari, Mahendergarh, Karnal, Panipat, Hissar and Jind.

A similar petition filed by petitioner was dismissed by this Court on 06.05.2016 *inter alia* observing that the judicial propriety demands that petitioner while in custody could have moved application

for being released on bail in different cases before the concerned Magistrates or the respective Sessions Courts.

Learned counsel for the petitioner has informed this Court that the petitioner had approached the Hon'ble Supreme Court and filed Special Leave to Appeal (Criminal) against order dated 06.05.2016 which was disposed of by the following order passed in SLP (Criminal) No. 5079 of 2016 on 18.07.2016:-

*“CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
: HON'BLE MR. JUSTICE AMITAVA ROY*

*For Petitioner (s) Mr. V. Shekhar, Sr. Adv.
Mr. Mohd. Sajid, Adv.
Mr. Nishant Anand, Adv.
Mr. Altamash Faraz, Adv.
Mr. Chander Shekhar Ashri, AOR*

For Respondent (s)

UPON hearing the counsel the Court made the following

ORDER

Learned Senior counsel appearing for the petitioner seeks permission to withdraw the Special Leave Petition with liberty to approach the High Court seeking bail under Section 482 Cr.P.C. application which is pending before it.

The Special Leave Petition is dismissed as withdrawn with such liberty.

*(R NATARAJAN)
Court Master*

*(SNEH LATA SHARMA)
Court Master”*

It is pertinent to mention that the petitions earlier filed by the petitioner under Section 482 Cr.P.C. for quashing of the proceedings

in different cases were withdrawn by the petitioner on 04.08.2016.

In context of above said order, learned counsel for the petitioner has submitted that the petitioner has filed the present petition under Section 439 read with Section 482 Cr.P.C. and that this Court in exercise of powers under Section 439 read with the inherent jurisdiction under Section 482 Cr.P.C., in the interest of justice, can grant concession of bail to the petitioner as the petitioner has been in custody in a number of cases registered against him not only in the State of Haryana but also in the State of Punjab, State of Rajasthan as well as in the State of Madhya Pradesh.

No doubt, this Court, in exercise of inherent jurisdiction, can pass any appropriate order in the interest of justice but the inherent powers cannot be used when there is alternative statutory remedy available. I do not find it appropriate to exercise the inherent jurisdiction under Section 482 Cr.P.C. to consider and grant regular bail to the petitioner in 22 criminal cases registered at different police stations in 10 districts by one order without appreciating the nature of the allegation in each case; the status and stage of the investigation in each case; the material gathered during the course of investigation in each case; the *prima facie* extent of culpability of the petitioner in each case and the duration of detention of the petitioner in each case. The petitioner may have a fairly good case to be released on bail in each individual case by moving an application for bail in accordance with procedure of law as he has been in custody for a total period of more

than two years and has also deposited considerable amount to secure the rights of the complainants as the nature of the allegations appear to be a combination of civil and criminal liabilities, but without expression of any opinion on merits of each individual case, mentioned in the heading of the petition, this petition is liable to be dismissed as not maintainable with liberty to the petitioner to avail the above said remedy in accordance with law.

It is not out of place to observe here that after having dismissed similar combined petition on 06.05.2016, this Court will be de-barred under the provision of Section 362 Cr.P.C. to review the earlier decision taken by this Court.

Dismissed.

(M.M.S. BEDI)
JUDGE

30.08.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No