

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102

CRM-M-44136-2016 (O&M).
Decided on: December 9, 2016.

Avtar Singh

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

* * *

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

* * *

PRESENT Ms.Savita, Advocate, for the petitioner.

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

Petitioner is a complainant and has filed an application under Section 439 (2) Cr.P.C., for cancellation of pre-arrest bail granted to respondent nos.2 to 5, inter alia, on the ground that after having been granted the concession of pre-arrest bail, respondent no.3 Jarnail Singh had given a threatening call to the petitioner and manuscript of the communication has been appended with the petition as Annexure P4. A copy of the C.D. has also been placed on record.

I have heard the counsel for the petitioner.

The contention of the counsel for the petitioner is that respondents have misused the liberty by threatening the petitioner.

When confronted as to why an application under Section 439 (2) Cr.P.C., which is maintainable before the Sessions Court, has not been filed, counsel for the petitioner has expressed an apprehension that entertaining the said application by the same Court will not be fruitful.

The apprehension of the counsel for the petitioner appears to be misconceived. When a statutory remedy is available under Section 439 (2) Cr.P.C. to approach the Sessions Court, the petitioner could have availed the said remedy and in case the application is not entertained, it will always be open to the petitioner to approach this Court.

Disposed of as pre-mature, at this stage, relegating the petitioner to avail the alternative remedy.

(M.M.S. BEDI)
JUDGE

December 9, 2016.

rka

Whether speaking / reasoned

Yes / No

Whether reportable:

Yes / No