

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-55937 of 2018

Date of Decision: 15.01.2019

Jitender

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Naresh Singh Shekhawat, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 439(2) Cr.P.C. for seeking cancellation of bail granted to respondent No.2-Dharmender alias Dharmi vide order dated 12.10.2018, passed by the learned Additional Sessions Judge, Gurugram in case FIR No. 321 dated 18.07.2016, registered under Section(s) 302, 323, 307, 506 & 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Badshahpur, Gurugram.

Learned counsel for the petitioner contended that the learned Additional Sessions Judge, Gurugram completely ignored the fact that earlier, petition for grant of regular bail was filed by respondent No.2 before this Court vide CRM-M-4625-2017 and the same was dismissed vide order dated 28.08.2017 (Annexure P2). Learned counsel further contended that while ignoring all these facts, the learned trial Judge granted regular bail to

Respondent No.2.

As per the provisions of Section 439(2) Cr.P.C., present petition is maintainable before the same Court and let the petitioner move the same application before the learned Additional Sessions Judge, Gurugram by taking all the pleas and in case he is still aggrieved of an order, passed by the learned trial Judge, he will challenge the same before this Court, as per law. Thus, present petition stands dismissed.

(Shekher Dhawan)
Judge

January 15, 2019
“DK”

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