

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

CRM-M No.3532 of 2020

Date of Decision.04.02.2020

Kirna @ Kiranjit Kaur

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Pooja Dhingra, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

-.-

JAISHREE THAKUR J. (ORAL)

1. The petitioner herein has approached this Court by filing second petition for grant of regular bail in FIR No.31 dated 01.03.2016 under Sections 376, 149 IPC, Sections 3/4 of POCSO Act, 2012 and Sections 5/9 of Immoral Traffic (Prevention) Act, 1956.

2. An objection has been taken by the counsel appearing on behalf of the respondent-State that without availing the remedy of approaching the trial Court, the instant petition has been filed and therefore, the petitioner ought to be directed to first approach the trial court in this regard.

3. Faced with this situation, counsel for the petitioner would rely upon judgment rendered by the Hon'ble Supreme Court in **Sundeep Kumar Bafna Vs. State of Maharashtra and another (2014) 16 SCC 623** to argue that there is no bar in approaching the High Court directly.

4. I have heard learned counsel for the parties and have perused the case law cited by the counsel appearing on behalf of the petitioner. Facts of the case in the judgment cited would be slightly different to the

facts of present case wherein accused is in custody and is seeking regular bail. The judgment relied upon in **Sundeep Kumar Bafna** (supra) pertains to a situation where the accused after having committed a non-bailable offence, which was punishable with death or life imprisonment and was absconding, approached the High Court directly and it was held that in such a situation, the accused can surrender before the High Court and seek bail. The facts in the judgment cited are altogether different and would not be applicable. The petitioner is directed to approach the trial Court before availing remedy under Section 439 Cr.P.C. in this Court.

5. Consequently, the instant petition is dismissed.

(JAISHREE THAKUR)
JUDGE

February 04, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No