

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

216

CRR No.994 of 2020

Hardeep

... Petitioner

Versus

State of Haryana

... Respondent

(2)

CRR No.1027 of 2020

Kaviraj @ Kavei

... Petitioner

Versus

State of Haryana

... Respondent

Decided on : 20.08.2020

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. K.S. Godara, Advocate
for the petitioner (s).

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

The present revision petitions have been filed for grant of regular bail, challenging the orders dated 22.10.2019 and 25.11.2019 passed by the Additional Judge, Sirsa. On 14.08.2020, the following order was passed:-

“Counsel for the petitioners prays for time to satisfy this Court as to how criminal revision petitions are maintainable for grant of regular bail, since admittedly order of granting bail is an

interlocutory order.

To come up on 20.08.2020.

Photocopy of this order be placed on the record of another connected case.”

Counsel for the petitioner in order to deal with the said objection could only refer to the CRR-1612-2019, whereby the Coordinate Bench as such had allowed the regular bail on account of the fact that the report of the Chemical Examiner had not been received. Therefore, it was held that the challan as such was not complete and the accused had a right to bail.

Counsel for the State has relied on the provisions of Section 397 (2) Cr.P.C., to submit that powers of revision are not to be exercised in relation to any interlocutory order passed.

Admittedly, grant of bail is not a final order, which can be thus challenged under the revisional jurisdiction and there is a bar under the statute. Thus, this aspect might have not been brought to the notice of the Coordinate Bench, which had granted the said relief.

It is not disputed that earlier the petitioner-Hardeep himself had filed CRM-M-47946-2019, which was dismissed as withdrawn on 07.02.2020. Similarly, the petitioner Kaviraj @ Kavei had also filed CRM-M-53551-2019, which was dismissed as withdrawn on 09.07.2020. Thereafter, the present revision petitions have been filed on 08.07.2020 and 23.07.2020, respectively.

Once the petitioners have earlier already opted for the settled practise of this Court, whereby the regular bail applications are filed by way of criminal miscellaneous petition, no justifiable ground as such is made out to entertain the present revision petitions, in view of the statutory provisions of the Code of Criminal Procedure.

Thus, this Court is of the opinion that the present bail applications are not maintainable in the present form and the same are dismissed. It is made clear that this Court has not observed anything on

the merits regarding the rights of the petitioners.

At this stage, counsel submits that he may be given liberty to file regular bails in the prescribed format. The said prayer is reasonable and is, accordingly, accepted.

Dismissed as not maintainable, in view of the above.

AUGUST 20, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No