

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

CRM-M-26114-2020

Date of Decision :04.09.2020

Hariom Kashyap

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Jagdeep Rana, Advocate for the petitioner.

B.S.Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Earlier CRM-M-22727-2020 was filed against the order of the learned Additional Sessions Judge, Ludhiana dated 28.07.2020 rejecting the prayer of the petitioner for anticipatory bail. However, after arguing, the petitioner sought and vide order dated 14.08.2020 (Annexure P-3), was granted permission to withdraw CRM-M-22727 of 2020, to surrender before the learned trial Court and to file an application for regular bail with directions to the learned trial Court to consider and decide the application for regular bail as expeditiously as possible.

3. The petitioner has filed the instant second petition u/s 438 Cr.P.C., for grant of anticipatory bail in case FIR No.0302 dated 19.06.2020, registered under 120 and 420 of the IPC and Section 3A, 3B, 4, 5 (2) and 6(c) of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Police Station Bahadurgarh, District Jhajjar, without having approached the learned trial Court in terms of the statement made while withdrawing

CRM-M-22727-2020 on 14.08.2020.

4. Since the earlier petition i.e. CRM-M-22727-2020 u/s 438 Cr.P.C. was withdrawn by the petitioner with liberty to approach the learned trial court for regular bail, it is not open to the petitioner to file a fresh petition before this Court u/s 438 Cr.P.C., against the order of the learned Additional Sessions Judge, Ludhiana dated 28.07.2020 which was earlier the subject matter of aforementioned CRM-M-22727-2020. Accordingly, the instant petition u/s 438 Cr.P.C. is dismissed.

(B.S.Walia)
Judge

04.09.2020

ps/rajesh

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No