

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27583-2020 (O&M)

Date of Decision:- 28.9.2020

Shorabh

... Petitioner

Versus

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Gupta, Advocate, for the petitioner.

Mr. Kuldeep Tiwari, APP, U.T. Chandigarh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

Learned State counsel has informed that petitioner has approached this Court seeking anticipatory bail under Section 438 Cr.P.C. without having approached the Court of Sessions seeking the same relief.

No doubt, Section 438 Cr.P.C. vests concurrent powers with the Sessions Court and also the High Court in the matter of grant of anticipatory bail. However, propriety demands that the petitioner first exhausts his remedy and approaches the Court of Sessions in the first instance. The

petition, as such is dismissed. However, the petitioner would be at liberty to approach the Court of Sessions seeking the same relief. It is clarified that the dismissal of this petition shall not be construed in any manner as a reflection on merits.

September 28, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No