

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30700 of 2019 (O&M)

Date of decision : 15.1.2020

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Harpreet Kaur

.....Petitioner

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Robin Lohan, Advocate
for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General,
Haryana.

Mr. Siddharth Gulati, Advocate for respondent no.2.

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H. S. Madaan, J. (Oral)

In FIR No. 3 dated 8.1.2029, for offences under Sections 419, 420, 506 IPC, registered at Police Station Sadar Ambala, on a petition for pre-arrest bail filed by petitioner Sandeep Kaur @ Yahi, she was granted pre-arrest bail by learned Sessions Judge, Ambala, vide order dated 17.5.2019.

Complainant, Harpreet Kaur has approached this Court by way of filing a petition under Section 439 (2) Cr.P.C., praying for cancellation of that bail, granted to Sandeep Kaur @ Yahi, for the reason that she has violated the terms and conditions, on which such bail had been granted to her.

Notice of the petition was given to the respondents, i.e. State

of Haryana – respondent No.1 and Sandeep Kaur @ Yahi – accused respondent no.2.

I have heard learned counsel for the parties besides going through the record.

In terms of the provisions of Section 439 (2) Cr.P.C. a High Court or Court of Session may direct that any person who has been released on bail, under Chapter XXXIII – Provisions As To Bail and Bonds, be arrested and commit him to custody.

In that way, the Court of learned Sessions Judge, Ambala, who had granted the pre-arrest bail to accused Sandeep Kaur @ Yahi, is fully competent to pass order in that regard. The complainant has come to this Court directly without first approaching learned Sessions Judge, Ambala, seeking similar relief.

I find that it would be proper and appropriate, if the petitioner is relegated to the remedy of approaching learned Sessions Judge, Ambala, seeking cancellation of pre-arrest bail granted to accused Sandeep Kaur @ Yahi, for the reason of violation of the terms and conditions of the order passed by the learned Sessions Judge, Ambala, vide which such bail had been granted. It is ordered accordingly.

The petition stands disposed of accordingly.

15.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No