

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

CRR-428-2021 (O&M)

Date of decision: 07.04.2021

Vinod @ Batra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Raman Chawla, Advocate for the petitioner.

H.S. MADAAN, J.

Vinod @ Batra, an accused in FIR No.379 dated 05.08.2020, for offences under Sections 15, 20(b), 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 25 of the Arms Act, , registered with Police Station City, Fatehabad, had filed an application U/s 167(2) Cr.P.C., for grant of bail to him for the reason that the challan filed against him was without FSL report, as such, was incomplete and complete challan having not been filed within a period of 60 days, the petitioner/accused has become entitled for grant of default bail U/s 167 (2) Cr.P.C.

That application was dismissed by Addl. Sessions Judge, Fatehabad, vide detailed order dated 15.10.2020.

Feeling aggrieved, the petitioner had challenged the said order by way of filing revision petition before this Court, which was

registered as CRR-1217-2020. It was listed for 22.04.2021. When counsel for the petitioner had moved an application bearing No.CRM-6275-2021 for preponing of date of hearing in the main petition and being granted permission to withdraw the main petition. That application was allowed and the date of hearing in the main petition was preponed and it was allowed to be withdrawn, vide order dated 04.03.2021.

Surprisingly enough, the petitioner/accused has filed the instant revision petition again, challenging the impugned order. On the face of it, this revision petition is not maintainable. The petitioner/accused having himself withdrawn the earlier revision petition filed by him without seeking permission to file fresh one and such permission having not been granted to him, can certainly not file the second revision petition in such a manner. The revision petition so filed is misconceived and unwarranted. The same is not maintainable. The petitioner/accused has rather tried to suppress the fact that a revision petition had been filed by him, which had been withdrawn. It has nowhere been specifically mentioned that it was a second revision petition. Although, in para No.8, it has been mentioned as such:-

“That no such or similar petition is pending before the session Courts or any other court at the time of filing this petition except CRR No.1217 of 2020 which was dismissed as withdrawn vide order dated 04.03.2021, copy of judgment is annexed herewith as Annexure P-2.”

It is not sweet will of the petitioner/accused to file a revision petition, withdraw it and then file a fresh revision petition, challenging the impugned order as and when he likes or suits him. The revision petition is doomed for failure and is dismissed accordingly.

07.04.2021

(H.S. MADAAN)
JUDGE

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