

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

**CRM-33437-2021 in/and
CRM-M-19359-2021
Date of Decision: 08.10.2021**

Jabir Hussain

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Khalid, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Case is being taken up for hearing through video conferencing.

CRM-33437-2021

This is an application under Section 482 Cr.P.C. for restoration of the main petition i.e. CRM-M-19359-2021, which was dismissed for non-prosecution on 30.07.2021.

It is mentioned in the application that due to poor network connection at his end, the learned counsel for the applicant-petitioner could not join the court proceedings on 30.07.2021 through video conferencing, and there was nothing intentional on the part of the learned counsel for the applicant.

Heard.

In view of the grounds mentioned in the application, the same is allowed and the main petition is restored to its original number and is taken on the Board for hearing.

Through this petition, the petitioner seeks cancellation of regular bail granted to respondent No.3, vide order dated 14.03.2021 passed by the Judicial Magistrate Ist Class, in case bearing FIR No.394 dated 23.07.2019, registered under Sections 420, 406, 506 and 120-B IPC, at Police Station Tauru, District Nuh.

I have heard the learned counsel for the petitioner.

Vide order dated 14.03.2021, learned Judicial Magistrate Ist Class, Mewat, respondent No.3 had been granted the benefit of regular bail. At the first instance, the petitioner ought to have approached the concerned Magistrate for cancellation of bail by filing an application under Section 439(2) Cr.P.C. Without exhausting the remedy, he cannot directly approach this Court for cancellation of bail.

In view of the above, the present petition is disposed of with a liberty to the petitioner to approach the concerned Magistrate first, if so advised, for cancellation of bail granted to respondent No.3.

08.10.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No