

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

**CRM-M-19144 of 2021 (O&M)
DATE OF DECISION :- July 06, 2021**

G.Hemavathy

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Arpandeeep Narula, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

CRM No. 17799 of 2021

The case has been taken up through Video Conferencing.

This is an application for pre-ponement of date of hearing from 6.7.2021 and for permission to withdraw the main petition for regular bail since the application is being taken up on 6.7.2021 itself. The request for pre-ponement has become infructuous, however, the main petition is being take up today for hearing.

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The reason for withdrawal of the main petition is that petitioner has been granted concession for regular bail by learned Sessions Judge, Sirsa vide order dated 28.6.2021 (Annexure A1). It is very strange that the petitioner was availing of remedy in two Courts simultaneously, before this Court as well as before learned Sessions Judge, Sirsa. A perusal of the order Annexure A1 goes to show that the petition was filed on

25.6.2021 and decided on 28.6.2021 whereas the present petition was filed on 6.5.2021. Let the explanation be obtained from learned Sessions Judge, Sirsa as to how did he entertain and decide petition for regular bail when similar petition was pending before this Court. He is further to report whether pendency of the petition before this Court was brought to his notice by Sh. Naveen Kumar, Public Prosecutor representing the State or by the concerned police officer. Learned Sessions Judge, Sirsa shall further explain as to how he has released the accused on bail without considering the bar of Section 37 of the NDPS Act. Mr. Karan Garg, AAG, Haryana has been directed to convey the entire matter to notice of Director Prosecution, Panchkula (Haryana) as well as Director General of Police, Haryana, Chandigarh so that the necessary action is taken against the official at fault. After doing the needful learned State counsel shall intimate in writing in that regard. Report from the Learned Sessions Judge, Sirsa be called for 22.7.2021. The Registry shall place the report so received from learned Sessions Judge, Sirsa and the written intimation from Mr. Karan Garg, AAG, Haryana before this Court by 30.7.2021.

The present petition is dismissed as withdrawn. The Registry is directed to put up the case on the date fixed.

(H.S. MADAN)
JUDGE

July 06, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No