

CRM-M-28969 of 2021
Date of Decision: 01.12.2021

...Petitioner

...Respondent

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.(ORAL)

1. During the course of the arguments, it was transpired that since the rejection of the bail of the petitioner by the learned trial Court, two witnesses i.e. complainant and his wife has been examined by the trial Court in furtherance of trial.
2. Learned counsel for the petitioner has argued that the witnesses have not supported the prosecution case and as such, the petitioner is entitled to bail.
3. Be that as it may, once the trial has commenced and statements of the witnesses have been recorded, it is more appropriate that the petitioner first exhausts his remedy before the concerned Court rather than approaching the higher Court directly.
4. Faced with this, learned counsel for the petitioner wants to withdraw the present petition with liberty to file fresh petition before the trial Court and also with liberty to file another petition in this Court, in case, he is not granted bail by the concerned Court.

5. The prayer made by the learned counsel for the petitioner is innocuous. Learned State counsel has no objection to the same. Consequently, the present petition is dismissed as having been withdrawn with liberty to file fresh as aforesaid.

6. It is clarified that earlier dismissal application shall not come in way of the learned trial Court while considering the fresh bail application.

7. It is also clarified that withdrawal of the present petition will not be a circumstance against the petitioner at the time of filing of fresh petition.

(ANOOP CHITKARA)
JUDGE

December 01, 2021

Manpreet

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