

CRM-M-37799-2021 (O&M)

Date of Decision: 27.09.2021

Anil Kumar Srivastava

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Suvir Sidhu, Advocate, for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 168 having been registered at Police Station Division No. 8, Police Commissionerate Ludhiana, on 20.05.2021, alleging therein the commission of an offence punishable under the provisions of Section 420 of the IPC.

It is seen that the petitioner had not approached the Sessions court after 28.06.2021, when a similar petition was dismissed at that stage by that court, stating to the effect that the petitioner had not been arraigned as an accused; and therefore the police had been directed to give three days notice before arresting him.

Thereafter, he never approached the Sessions court by way of a petition under the provisions of Section 438 of the Cr.P.C., with it being settled law that unless there are extraordinary circumstances due to which the High Court would feel that such a petition would lie before it rather than the Sessions Judge at the first instance, normally the petitioner would be

required to first approach the Sessions court under the provisions of Section 438 of the Cr.P.C. (even though it is otherwise concurrent jurisdiction).

However, in the present petition, I do not see any such extraordinary circumstances existing.

In view of the above, learned counsel for the petitioner seeks to withdraw this petition with liberty to approach the Sessions court under the same provision, i.e. Section 438 of the Cr.P.C.

Dismissed as withdrawn, with that liberty obviously available to the petitioner.

September 27, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.