

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-42615-2021
Date of Decision: 08.10.2021

Geeta Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Neeraj Kumar, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.0341, dated 28.04.2021, having been registered at Police Station Kharkhoda, District Sonipat, alleging therein the commission of offences punishable under Sections 120-B, 409, 420 of the IPC.

Learned State counsel at the outset points out that the petitioner had earlier approached the learned Additional Sessions Judge, Sonipat, by way of a similar petition (filed under the provision of Section 438 of the Cr.P.C.), with that petition having been dismissed, not on the merits thereof but for want of prosecution and consequently, this court would consider as to whether virtually at the first instance, this petition would be maintainable

before this court, though it may otherwise be concurrent jurisdiction.

Having considered the aforesaid contention of learned State counsel, it is to be noticed as has been held in various judgments of this court and various other High Courts, unless there are exceptional circumstances, a High Court would normally not entertain a petition under Sections 438 or Section 439 of the Cr.P.C. at the first instance, even though concurrent jurisdiction is conferred upon the Sessions Court and the High Court, to entertain such petition.

No such exceptional circumstances having been brought to the notice of this court, this petition is dismissed, with liberty to the petitioner to approach the learned Sessions Court by way of a second petition before that court under the provision of Section 438 of the Cr.P.C., which would be considered by that court on the merits thereof and an appropriate order passed, provided of course that the petitioner appears before that court to prosecute that petition as and when required by that court.

(AMOL RATTAN SINGH)
JUDGE

08.10.2021
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No