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

**CRM-M-1863-2021 (O&M)
Date of decision : 20.04.2022**

Hari Prakash Jain

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nitin Jain, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Aayush Gupta, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for cancellation of anticipatory bail granted to respondent No.2 vide order dated 11.12.2020 whereby the interim order dated 30.10.2020 was made absolute by the learned Additional Sessions Judge-cum-Judge, Special Court, for Heinous Crime against Women, Hisar.

Learned counsel for the petitioner has submitted that after getting the anticipatory bail, respondent No.2 without seeking the permission of the Court has left India and thus, has totally violated the terms and conditions of the bail granted.

Learned counsel for respondent No.2 has submitted that petitioner has already filed the petition under Section 439 (2) Cr.P.C. for cancellation of the bail before the learned Additional Sessions Judge and hence, the present petition is not maintainable.

After hearing counsel for the parties, this Court finds that the petitioner has already availed the remedy under Section 439 (2) Cr.P.C. before the Court of competent jurisdiction i.e. the Court of learned Additional Sessions Judge.

This petition is disposed of with liberty to the petitioner to pursue his remedy before the learned Additional Sessions Judge where the petition under section 439 (2) Cr.P.C. is already pending adjudication.

(RAJESH BHARDWAJ)
JUDGE

20.04.2022
m. sharma

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