

Date of Decision: 10.01.2024

.....PETITIONER

Vs.

.....RESPONDENTS

Present: Mr. Brijeshwar Vashist, Advocate,
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

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HARPREET KAUR JEEWAN J. (ORAL)

1. This petition has been filed under Section 439 (2) read with Section 482 of the Criminal Procedure Code, 1973, (for short 'the Cr.P.C.') for cancellation of the anticipatory bail granted to respondent No. 2 by the learned Additional Sessions Judge, SBS Nagar, vide impugned order dated 02.12.2023 (Annexure P-2) in case FIR No. 0008, dated 15.09.2023, registered under Sections 406 and 498-A of the IPC at Police Station NRI, District SBS Nagar.

2. The Court of Sessions is also having the powers under section 439(2) under the Code of criminal procedure, to order arrest a person, who has been released on bail.. The said Section reads as under:-

“439 Special Power of High Court or Court of Session regarding bail.

XXX

XXX

XXX

XXX

(2) *A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.”*

3. The order under challenge has been passed by the Additional Sessions Judge, SAS Nagar. No such application/petition has been moved before the said Court for cancellation of the said order. No reason has been mentioned for directly approaching this court by way of filing the present petition without approaching the Court of Session under Section 439 (2) Cr.P.C.

4. As such, without making any comment on the merits of the case, the present petition is dismissed with liberty to the petitioner to approach the Court of Session for seeking appropriate relief as sought in the present petition.

5. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 10, 2024

(HARPREET KAURJEEWAN)

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JUDGE

Whether Speaking	Yes
Whether reportable	No