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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1446-2024 (O&M)
Date of Decision: 20.05.2024

Kanwar Bhan @ Kora

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Yashwant Singh Rathore, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.158 dated 02.05.2021, under Sections 148, 149, 323, 506 and 120-B IPC (Sections 302, 307 and 325 IPC added later on), registered at Police Station Madhuban, District Karnal.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and 11 months and one prosecution witness has been examined and considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. Learned State counsel as well as learned counsel appearing on behalf of the complainant have referred to Annexure P-10 which was the last bail petition withdrawn by the petitioner, although earlier also, he had

withdrawn the bail petition twice. While referring to aforesaid Annexure



P-10, they submitted that the petitioner had withdrawn the bail petition on 08.11.2023 vide Annexure P-10 and just after about 1½ months, he filed the present petition which is not maintainable and rather it amounts to review of the order.

4. After hearing the learned counsel for the parties, this Court is of the view that once the bail petition was withdrawn by the petitioner vide Annexure P-10, then he could not have filed a fresh bail petition on merits after just about 1½ months because it will amount to seeking review of the earlier order especially in view of the judgment of the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Kajad, 2001 (7) SCC 673*. Therefore, the present petition is not maintainable and the same is hereby dismissed.

20.05.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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