



CRM-M-13947-2024 (O&M) (O&M) - 1 -

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13947-2024 (O&M)
DATE OF DECISION : 21.05.2024

BINDU GARG ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Amisha Goyal, Advocate for
Mr. J.S.Khiva, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Ishan Thakur, Advocate for
Mr. L.S.Sidhu, Advocate for respondent No.2.

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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, Mansa, vide impugned order dated 15.04.2023 (Annexure P-8) in case FIR No. 16, dated 03.02.2023, registered under Sections 406 and 498-A of the IPC at Police Station Sardulgarh, District Mansa.

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.

XXXX XXXX XXXX XXXX

(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 passed by the Additional Sessions Judge, Mansa has been challenged on the ground that recovery of dowry articles was not effected from respondent No.2-accused but order of interim bail was made absolute. 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.

21.05.2024 (HARPREET KAUR JEEWAN)
Janki JUDGE

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