

**Sr. No.204****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-36634-2023****Date of decision: 30th August 2024****SUMAN RANI****.....Petitioner****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Ms. Deepsikha, Advocate for
Mr. Sandeep Goyat, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Subhash Kumar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439(2) of the Code of Criminal Procedure, 1973 seeking cancellation of anticipatory bail granted to the private respondent No.2 vide order dated 03.07.2023 (Annexure P-1), passed by the learned Additional Sessions Judge-cum-Special Court for Heinous Crime against Women, Hisar, in Bail Application No.288 dated 16.05.2023, titled as “*Sunil vs. State of Haryana*”, in case FIR No.674 dated 17.11.2022, under Sections 323, 498-A, 506, 313 IPC, 1860, registered at Police Station Civil Lines, District Hisar (Annexure P-2).

2. The Court of Sessions is also having the powers under Section 439(2) of the Code of Criminal Procedure, to order the arrest of 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 has been passed by the Additional Sessions Judge-cum-Judge, Special Court for Heinous Crime against Women, Hisar. No such application 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. Faced with this, learned counsel for the petitioner wishes to withdraw the present petition with liberty to approach the Court of Sessions for seeking appropriate relief, as has been sought in the present petition.
5. Dismissed as withdrawn with aforesaid liberty.
6. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30th August 2024
simran

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No