

2024:PHHC:004261
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-42881-2023
Date of Decision: 12.01.2024

P

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Raj Kumar Bhatia, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Kuljeet Kaur, Advocate for
Mr. V.S. Brar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

1. The present petition has been filed under Section 439(2) Cr.P.C. for cancellation of bail of Pawandeep Singh-respondent No.2 in case FIR No.122 dated 25.03.2023 registered under Sections 313, 323, 34, 354 A(1)(I), 376 (1), 498-A, 506 IPC at Police Station Sadar Sirsa, District Sirsa granted by learned Additional Sessions Judge, Fast Track Special Court, Sirsa vide order dated 30.05.2023 (Annexure P-2), order dated 31.07.2023 (Annexure P-3) and order dated 04.08.2023 (Annexure P-4).
2. Learned counsel for the petitioner has conceded that the petitioner has not approached the Court of Sessions under Section 439 (2) Cr.P.C by taking all such pleas, which have been taken in the present petition.
3. 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.”

4. The order under challenge has been passed by the Additional Sessions Judge, Sirsa. 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.
5. 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.
6. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12.01.2024
P.Bhatt

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