

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

212 **CRM-M-44337-2020 (O&M)**
Date of Decision: 08.05.2024

PINKI **...Petitioner**
Versus

STATE OF HARYANA AND ANR **...Respondents**

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

Present:- Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Pardeep Sehrawat, Advocate for
Mr. Vivek Goyal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.

1. The present petition has been filed under Section 439(2) Cr.P.C. for cancellation of regular bail granted to respondent No.2 by setting aside the order dated 10.08.2020 (Annexure P-9) passed by the learned Judicial Magistrate 1st Class, Jagadhri in case FIR No.239 dated 13.07.2020 (Annexure P-4) under Sections 406, 498-A, 323, 506 IPC registered at Police Station Sadar Yamuna Nagar, District Yamuna 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.

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 learned Judicial Magistrate 1st Class, Jagadhri. 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. The present petition has been filed without approaching the Court of Sessions directly against the order passed by the Magistrate, 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. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08.05.2024
P.Bhatt

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