



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-49768-2024

Date of decision: October 3rd, 2024

Anurag Kumar Arya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Adwait Sirohi, Advocate
for the petitioner (through V.C.).

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.310 dated 03.09.2024 under Sections 316(2), 318(4) of the BNS registered at Police Station Sampla, District Rohtak.

2. At the outset, this Court put a pointed query to the counsel for the petitioner regarding the maintainability of the instant petition, given that a similar petition for anticipatory bail already stood filed and was pending before the learned Additional Sessions Judge at Rohtak, learned counsel for the petitioner argued that since both Courts have concurrent jurisdiction, the petitioner is entitled to seek anticipatory bail from this Court, even while a similar petition under Section 438 of the Cr.P.C./482 of the BNSS remains pending before the learned Additional Sessions Judge at Rohtak. Learned counsel further submitted that the trial Court had not been able to decide the bail application due to a strike call given by the Bar at Rohtak. Additionally, it has also been submitted that the petitioner, an MBBS student, has been unable to take



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his examinations owing to the prolonged pendency of the bail application before the learned Court at Rohtak.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. This Court does not concur with the submissions made by the counsel for the petitioner regarding the maintainability of the instant petition. Since the trial Court at Rohtak is already seized of the matter, allowing the present petition would not only lead to a risk of parallel proceedings but also potentially conflicting orders by Courts of concurrent jurisdiction.

5. Moreover, order dated 27.09.2024 annexed with the instant petition, shows that the petitioner was present in person before the learned trial Court at Rohtak when the case was adjourned to 16.10.2024 due to the failure of the prosecution to file a reply. The adjournment was done in the presence of the petitioner.

6. Given the aforementioned circumstances, this Court finds no justification for entertaining the present petition while a similar petition is already pending adjudication before the learned Court at Rohtak

7. The instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 3rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No