



CRM-M-43386-2025

105

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

CRM-M-43386-2025

Date of Decision: 11.08.2025

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Krishan Singh, Advocate  
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                           | Sections  |
|---------|------------|--|---|
| 39      | 19.05.2020 | GRP Hisar, District<br>GRP Ambala Cantt. | 302, 186, 332, 353, 147, 148, 212,<br>120-B IPC and 25, 29, 54, 59 of<br>the Arms Act |

1. The petitioner, incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking interim regular bail on the ground of his mother's surgery and the lack of any other adult and capable person to attend to her in the family.

2. In response to the question posed by this Court to the counsel about why the petitioner did not file a similar petition before the Sessions Court instead coming to this Court, the counsel explains that he did not approach the Sessions Court because this Court had already decided his regular bail petition filed earlier.

3. To appreciate this aspect, it would be appropriate to refer to Section 483 of BNSS, 2023, which confers and defines powers of the High Court and the Sessions Court to grant bail, and it reads as follows:

S. 483. (1) A High Court or Court of Session may direct,—

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:



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Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice:

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(2) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

(3) 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. Whenever a person is in judicial custody and the High Court has already dismissed their bail, there is no need to apply to the High Court for interim bail solely because the High Court dismissed the earlier bail petition on the merits of the case. Both the Sessions Court and the High Court have concurrent jurisdiction over bail matters, and since relief sought in interim bail is entirely different from seeking regular bail on the merits, and the denial of bail on the merits by the High Court cannot be interpreted as prohibiting trial Court to take petition for interim bail for a limited and fixed duration, provided the High Court has not denied the similar relief even for the interim bail, and if denied, then in such a situation, as per the liberties granted by the High Court or the observations made by the High Court.

5. An analysis of Section 483 of BNSS, 2023, which has conferred equal and concurrent jurisdiction to the High Court and the Sessions Court to grant bail, makes it crystal clear that whenever any accused in custody, whose bail has already been rejected on the merits by the High Court, and such an accused needs an interim bail for limited or fixed time for the justifiable reasons, then such application for interim bail is maintainable before the trial Court/Sessions Court, and at the first instance, it must be filed only before the trial Court/Sessions court and in case of any grievance, any of the party can approach High Court. The trial Court/Sessions Court has jurisdiction to grant or reject such interim bail under Section 483 of BNSS, 2023, and the dismissal of the bail of the same accused on merits earlier by the Sessions Court or by the High Court shall not disentitle the trial Court/Sessions Court to grant or dismiss an interim bail application.



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6. A pragmatic approach to interpret the provisions of Section 483 BNSS would also point out that when even regular bail on merits is pending before the High Court, even during pendency of such petition, the Sessions Court is entitled and competent to grant interim bail to the petitioner on medical contingency, deaths in the family, examination or other extremely urgent situations. It is clarified that the Sessions Judge is fully competent and has jurisdiction to grant such interim bail during pendency of regular bail petition. Further if a regular bail on merits is pending before the Sessions Court and a petition for interim bail under Section 437A CrPC/481 BNS is filed, then the Magistrate is entitled to grant temporary limited period bail to such person in same analogy. The grant of interim bail by the Sessions Court and the trial Court shall not be construed as violation of any notification or rules framed or order passed by the High Court on merit in the bail petition of same accused-petitioner.

7. Given the above, whenever a bail petition seeking interim bail is filed before the concerned trial Court or Sessions Court, the Court shall not refuse to entertain such petition and shall decide it on its own merits regarding the need for a limited and fixed time bail.

8. Petition is disposed of with liberty reserved to the petitioner to exercise his right in terms mentioned above. All pending applications, if any, disposed of.

(ANOOP CHITKARA)  
JUDGE

11.08.2025  
Jyoti Sharma

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|---------------------------|-----|
| Whether speaking/reasoned | YES |
| Whether reportable        | YES |