

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-15548-2022
Date of Decision: 13.04.2022

Kavita Rana and anotherPetitioners

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pavit Singh Mattewal, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Sections
211	10.03.2022	City Karnal, District Karnal	323, 376(2) (n), 377, 506, 34 IPC and Section 3 (2) (V) of the Scheduled Castes & the Scheduled Tribes Act (added subsequently)

Notices served upon the official respondent through the State's counsel.

After dismissal of the application for anticipatory bail by the Sessions Court, filed under section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C), the petitioners apprehending arrest in the FIR captioned above have come up before this Court again under Section 438 Cr.P.C seeking anticipatory bail.

2. As per Section 14-A of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), an appeal would lie against an order of bail. Given above, the present petition is not maintainable.

3. Since the petitioners have chosen the wrong provision of law, the petitioners shall be at liberty to file an appeal under section 14-A of SCSTPOA and to enable the petitioners to do so; there **shall be a stay of arrest for ten days from today**. If the petitioners choose to file an appeal within the above time, the stay order shall be substituted by the order passed in such a bail application. However, if the petitioners do not file a bail within the period described above, the stay shall automatically stand vacated without further reference to this court.

Petition disposed of in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

13.04.2022
Jyoti-II

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