

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-7079 of 2021(O&M)

Date of Decision: 13.1.2023

Minakshi

---Petitioner

versus

State of Haryana and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Manish Soni, Advocate
for the petitioner
Ms. Dimple Jain, AAG, Haryana
Mr. D.S.Matya, Advocate
for respondents No. 3 and 4

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through instant petition under Section 439(2) Cr.P.C., is seeking setting aside of order dated 24.12.2020 (Annexure P-4) whereby learned Additional Sessions Judge, Gurugram has granted concession of regular bail in FIR No. 329 dated 20.11.2020, under Sections 313, 376(2)(a), 506 IPC and Section 3(1)(C) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST Act”), registered at Police Station Sector-40, District Guugram.

Learned counsel for private respondents, at the outset, states that FIR was registered under different provisions of SC/ST Act apart from IPC. As per Section 14A of SC/ST Act, an appeal lies against any order passed by trial court, thus, present petition is not

maintainable. He further submits that petitioner is claiming that bail order was conditional order and in that eventuality, the petitioner was supposed to file an application seeking cancellation of bail before the same court.

On being confronted with these facts, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to avail alternative remedy in accordance with law.

Dismissed as withdrawn with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

13.1.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No