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

CRM-M-54048-2022(O&M)

Date of Decision: 25.04.2023

SANDEEP@BHOLA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. S.K. Verma, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

The petitioner filed an application under Section 439 Cr.P.C seeking regular bail in case FIR No.526 dated 05.07.2015 registered under Sections 302/216/120-B/34 IPC and Section 25 of Arms Act & Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Act registered at Police Station, City Jind, before the Court of learned Additional Sessions Judge, Jind; however, the same was dismissed vide order dated 15.09.2020. Thereafter, the petitioner approached this Court by filing the present petition under Section 439 of Cr.P.C for grant of regular bail.

A perusal of FIR would show that the petitioner has been booked for offence under Indian Penal Code, Arms Act and also for offence under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, reads as under:-

*(1) Notwithstanding anything contained in the
Code of Criminal Procedure, 1973 (2 of 1974), an appeal*

shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

After arguing for some time and when faced with the provisions contained in Section 14-A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, learned counsel for the petitioner submits that the petitioner be permitted to withdraw the present petition with liberty to avail his remedy in consonance with the provisions of Section 14-A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to seek regular bail.

In view of the above-said submission made by learned counsel for the petitioner, the present petition is ordered to be dismissed as withdrawn with the liberty aforesaid.

Present petition is disposed of in the aforestated terms.

Pending application(s), if any, shall also stand closed.

25.04.2023
Amandeep

(HARSH BUNGER)
JUDGE

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