



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRA-S-3076-2024 (O&M)
Date of Decision: 07.11.2024

RENU

...Appellant

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. A.K. Singh, Advocate
for the appellant.

Mr. Amrik Singh Narwal, DAG, Haryana with
Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN , J.

1. The present appeal has been filed by the appellant seeking cancellation of anticipatory bail granted to respondent No.2 by learned Additional Sessions Judge, Panipat vide order dated 03.12.2021 in case FIR No.492 dated 29.11.2021 under Sections 354 and 506 IPC and Sections 3 and 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 registered at Police Station Model Town, District Panipat.
2. Learned counsel for the appellant *inter alia* contends that before passing the impugned order, dated 03.12.2021 granting relief of anticipatory bail to respondent No. 2-accused, the learned Additional Sessions Judge, Panipat, has not issued any notice to the appellant in order to comply with the provisions of Sub-Section (3) of Section 15-A of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also in terms of the ratio of the judgment passed by the Hon'ble Apex Court in **Hariram Bhambhi vs. Satyanarayan and another** (Criminal Appeal No. 1278-2021), decided on 29.10.2021.

3. As per the report dated 27.09.2024 of Additional District and Sessions Judge, Panipat forwarded through the office of District and Sessions Judge, Panipat, at the time of deciding the bail application by Sh. Vimal Sapra, the then learned Additional Sessions Judge, Panipat, notice of the application was given to the State through Public Prosecutor on 02.12.2021. However, no notice of the application was issued to the complainant/appellant before passing the impugned order dated 03.12.2021.

4. Notice issued to respondent No.2 stands served, however, none has put in appearance on behalf of respondent No.2.

5. In view of the aforesaid facts and circumstances of the case and in view of the decision by the Hon'ble Apex Court in **Hariram Bhambhi's case** (supra), the present appeal is allowed. The impugned order dated 03.12.2021 passed by the learned Additional Sessions Judge, Panipat is set aside.

6. The matter be decided afresh by the trial Court after hearing both the respondent No.2 as well as the appellant-aggrieved person/victim. The parties shall appear before the trial Court within a period of 10 days from today.

7. As an interim measure, in the meantime, no coercive action shall be taken against the respondent No.2 till 10.12.2024.

8. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.



9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.11.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No