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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(218)**

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Reserved on: 11.09.2025

Date of Pronouncement:16.09.2025

Rajinder Kumar

..... Petitioner(s)

V/s

State of Haryana and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Sandeep Saini, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present appeal under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 is for setting aside the order dated 11.02.2025 passed by the Additional Sessions Judge, Yamuna Nagar in case FIR No.164 dated 16.04.2022 under Sections 148, 149, 302, 307, 323, 506, 379-B, 120-B, 201 IPC, Section 25 of the Arms Act & Section 3 of the SC & ST Act registered at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar, whereby bail has been granted to the respondent No.2.

2. The brief facts of the case are that FIR No.164 dated 16.04.2022 under Sections 148, 149, 302, 307, 323, 506, 379-B, 120-B, 201



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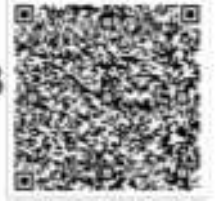
IPC, Section 25 of the Arms Act & Section 3 of the SC & ST Act, Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar came to be registered at the instance of the complainant-Mohit Sharma who is stated to be an injured-eye witness. During the course of investigation, material was collected against the accused persons including respondent No.2-Vishal @ Vicky Sodhi. He was arrested on 10.02.2023 and on his disclosure statement, multiple weapons and ammunition was recovered.

3. The respondent No.2-Vishal @ Vicky Sodhi sought the concession of bail which was granted to him on the grounds of parity vide order dated 11.02.2025.

4. It is this order which is under challenge in the present appeal.

5. The learned counsel for the appellant-complainant contends that respondent No.2-accused/-Vishal @ Vicky Sodhi has been granted the concession of bail without affording an opportunity of hearing to the *de facto* victim or his dependents in clear violation of Section 15-A Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the impugned order dated 11.02.2025 is liable to be set aside and respondent No.2-Vishal @ Vicky Sodhi be committed to custody.

6. The learned counsel for the State, on the other hand, while referring to the reply/affidavit of Rajeev Miglani, HPS, Deputy Superintendent of Police, Jagadhri, District Yamuna Nagar, dated 12.08.2025 contends that as per the record when the bail application was received by the court of the Additional Sessions Judge, Jagadhri on 07.02.2025, notice of the same was issued to the respondent-State only through the Public Prosecutor



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for 11.02.2025, on which date, the bail was granted to the respondent No.2- Vishal @ Vicky Sodhi and another. No notice was issued by the Court to the victims or the other persons mentioned in Section 15A Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the impugned order is liable to be set aside. Factually, he contends that 38 out of the 50 prosecution witnesses now stand examined.

7. The learned counsel for respondent No.2-accused/-Vishal @ Vicky Sodhi contends that the bail granted to respondent No.2 ought not to be cancelled as there is no act or conduct on the part of the answering respondent No.2 post him being granted bail which would amount to either threatening of the witnesses or tampering with the evidence. He, therefore, contends that the present appeal is liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. Section 15(A) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 is as under:-

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.



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10. The Hon'ble Supreme Court ***Hariram Bhambhi versus Satyanarayan & anr. 2021(4) RCR(Criminal) 629'***, has held as under:-

17. The finding of the Gujarat High Court that the requirement of issuing notice of a court proceeding to a victim or a dependent under Section 15A (3), in order to provide them an opportunity of being heard, is mandatory, finds echo in multiple High Court decisions[13] including a decision of the Rajasthan High Court[14*]. We find ourselves in agreement with the proposition and hold that sub-sections (3) and (5) of Section 15A are mandatory in nature.*

[13* *Ajeet Chaudhary v. State of UP*, 2021 SCC OnLine All 417 (Allahabad High Court); *Basheer M. v. State of Kerala*, 2020 SCC OnLine Ker 1675 (Kerala High Court); and *Mareenna and Ors. v. The State & Ors.*, 2020 SCC OnLine Kar 1077 (Karnataka High Court).]

[14* *Abid v. State of Rajasthan*, 2020 SCC OnLine Raj 2703.]

21. We also emphasize that sub-section (3) of Section 15A provides that a reasonable and timely notice must be issued to the victim or their dependent. This would entail that the notice is served upon victims or their dependents at the first or earliest possible instance. If undue delay is caused in the issuance of notice, the victim, or as the case may be, their dependents, would remain uninformed of the progress made in the case and it would prejudice their rights to effectively oppose the defense of the accused. It would also ultimately delay the bail proceedings or the trial, affecting the rights of the accused as well.

11. A perusal of the record would reveal that the FIR in question came to be registered on 16.04.2022. The respondent No.2--Vishal @ Vicky Sodhi and his co-accused sought the concession of bail. When the bail application was received by the Court of the Additional Sessions Judge, Jagadhri, on 07.02.2025. He passed the following order:-

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Bail application received by way of assignment. It be checked and registered. Notice of the bail application be issued to the respondent/State through learned PP for 11.02.2025. Reply be filed on the date fixed.

12. A perusal of the aforementioned order dated 07.02.2025 as also the impugned order dated 11.02.2025 granting bail to respondent No.2-Vishal @ Vicky Sodhi would reveal that no notice was issued to the petitioner/complainant-Rajinder Kumar or any victim/aggrieved person. Therefore, apparently, the impugned order dated 11.02.2025 has been passed in the teeth of Section 15A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

13. In view of the aforementioned facts and circumstances, I find merit in the present appeal and therefore, the impugned order dated 11.02.2025 granting bail to respondent No.2-Vshal @ Vicky Sodhi is set aside. He is directed to surrender before the Jail Authorities concerned forthwith.

14. Intimation of this order be given to the Senior Superintendent of Police, Jagadhri, District Yamuna Nagar for necessary action.

September 16, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No