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

CRM-M-6919 of 2017 (O&M)

Date of decision: September 26, 2017

Narender Tyagi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vishal Malik, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

CRM No.23776 of 2017

Heard.

Application is allowed and amended petition is taken on record.

CRM-M-6919 of 2017

Heard learned counsel for the rival parties.

Petitioner seeks anticipatory bail in FIR No.587 dated 21.10.2016, under Sections 323, 325, 506 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') (Section 325 of IPC added later on) and Section 3(i)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act'), registered at Police Station Gharaunda, District Karnal. This Court had made an order dated 02.03.2017 granting *ad interim* anticipatory bail to the petitioner.

Learned State counsel submits that Balwan has been found to be innocent.

In so far as the present petitioner is concerned, he had given two blows of wooden handle on the right leg of the victim while Balwan has given 4-5 blows on his leg. Upon reading of the FIR, prima-facie, I do not find any offence under Section 3(1)(v) of the SC/ST Act. However, as shown by the learned State counsel, there is a fracture. In that view of the matter, I think the petitioner should be asked to pay compensation in the sum of ₹10,000/- to the victim, which shall be paid to him by demand draft, as a condition for confirmation of *ad interim* bail order.

In that view of the matter, interim order dated 02.03.2017 granting *ad interim* anticipatory bail to the petitioner, is made absolute, subject to payment of costs of ₹10,000/- by way of demand draft in favour of victim.

Petition stands disposed of, accordingly. Investigating officer is directed to explain on affidavit as to on what basis Balwan has been declared innocent. The investigating officer is given a chance to amend his actions. Investigating officer shall file affidavit and remain present before this Court on 09.10.2017.

Put up on 09.10.2017 for compliance.

A copy of this order be given to the learned State counsel under the signatures of the Bench Secretary.

(A.B. CHAUDHARI)
JUDGE

September 26, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No