

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

**Crl. Misc. No.M- 43100 of 2015  
Date of decision : 27.01.2016**

**Ishab and others**

**.....Petitioner(s)**

**Versus**

**State of Haryana**

**...Respondent(s)**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. R.S. Cheema, Sr. Advocate with  
Mr. A.S. Cheema, Advocate  
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. N.S. Sehrawat, Advocate  
for the complainant.

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**ANITA CHAUDHRY, J.**

The petitioners are seeking regular bail in FIR No. 415 dated 08.07.2015, registered under Sections 147, 148, 149, 354-B, 395, 285, 153-A, 506 IPC and Section 25 of the Arms Act, Police Station Sadar Palwal, District Palwal.

Heard.

Counsel for the petitioners contends that an occurrence took place regarding which FIR No. 407 was registered by the petitioner side as a number of houses had been

burnt and the present FIR bearing No. 415 dated 08.07.2015 was lodged on the next day which is a counter blast to the report. It was urged that in the present case, there is no fire arm injury and the police registered the FIR on the complaint made by the petitioners but the challan was not filed even under Section 436 IPC and all the accused were allowed bail. It was urged that the National Commission of Minority had visited the place of occurrence and the report Annexure P-3 is available and it was noted that 12 houses belonging to a particular community had been damaged extensively and house-hold articles were burnt. It was urged that a Writ Petition had been filed seeking transfer of the investigation and the State had given a list Annexure R-1 to show that the compensation had been calculated which was to be given to the minority community thereby acknowledging that there was loss. It was urged that subsequently Section 436 IPC has been added. The counsel contends that only three persons have been arrested and the names of the rest of the accused are not even known to the police and no role has been given to the petitioners no.1 & 2 and were not named in the FIR. The counsel urges that the allegations against the petitioner no.3 were under Section 354 IPC, which is a bailable offence.

The bail application has been opposed by the complainant side as well as the State counsel. It has been urged that petitioner no.3 is the main accused and Vishnu had been

injured in the incident which occurred on 05.07.2015 and the MLR is available with them and he was admitted in the hospital the same evening and it was Asim @ Alim who had fired.

The counsel for the petitioners states that Asim @ Alim s/o Aas Mohd. is the person who was arrested and he is not named in the FIR and there are no such allegations in the FIR.

The State counsel submits that there are more FIRs against the petitioners.

The petitioners were arrested on 27.07.2015. A day prior to the registration of this FIR, another FIR had been registered against number of people. Several houses of the minority community had been burnt. All the accused who were named therein have been allowed bail. Petitioners no.1 & 2 are not named in this FIR. Main allegations against petitioner no.3 are under Section 354-B IPC. The prosecutrix is yet to be examined. Considering the nature of accusation, I am not inclined to grant bail to petitioner no.3, he is also the main accused. However, bail is allowed to petitioners no.1 & 2. Petitioners no.1 & 2 are directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court with a rider that they would not contact the opposite party in any manner or tamper with evidence.

27.01.2016  
sunil

**(ANITA CHAUDHRY)**  
**JUDGE**