

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15433-2019

Date of decision: 22.04.2019

Jail Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Khinda, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vikram Anand, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.29 dated 12.03.2019 under Sections 436, 429, 427 IPC, registered at Police Station Sadar Kapurthala, District Kapurthala.

The allegations against the petitioner in the FIR are that in the intervening night of 11/12.03.2019, he had set on fire the cattle sheds owned by the complainant, in which a calf aged about 15 years died due to burn injuries and 01 cow aged about 10 years and two calves aged about 03 years have badly suffered burn injuries.

Learned counsel for the petitioner submits that it will be a

debatable issue whether Section 436 IPC is made out or not, as in the FIR, it is stated that the cattles were kept in open space outside house of the complainant.

Learned State counsel, on instructions from ASI Mangat Ram, submits that the petitioner has joined the investigation, however, the allegations against him are serious in nature.

Learned counsel for the complainant has argued that even on an earlier occasion, the petitioner had played a mischief with the complainant and on that account, FIR No.15 dated 13.02.209 under Sections 323, 452, 427, 506, 148, 149 IPC was registered at Police Station Sadar Kapurthala against the petitioner and others, in which he has been granted anticipatory bail by this Court and later on, the matter was compromised with the intervention of the villagers and again the petitioner has committed even more grievous offence. Learned counsel has placed on record photographs showing dead animals as well as health of the animals, who have suffered burn injuries at the instance of petitioner.

After hearing learned counsel for the parties, I find no ground to grant anticipatory bail to the petitioner.

Primarily as per Section 436 IPC, *a person who commits mischief by fire or any explosive substance, knowingly and likely that he will thereby cause the destruction of any building, which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

The allegations in the FIR, which is supported by the medical

evidence of veterinary doctor as well as the photographs, placed on record, primarily shows that the petitioner has caused offence under Section 436 IPC.

In view of the above, present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

22.04.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No