

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

(215)

CRM-M-7121-2016 (O&M)

Decided on: April 12, 2016.

Bhanu Partap

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Virender Singh Rana, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

CRM-11955-2016

The petitioner has sought production of copy of the civil litigation filed by father of the petitioner against Subhash Singh and others, brother of the father of Vikrant Rana complainant victim in the present case. Subhash Singh is an eye witness in the present case.

Miscellaneous application is allowed.

Copy of the plaint in civil suit and interim injunction application are permitted to be taken on record as Annexures P-3 to P-5.

CRM-M-7121-2016

Learned counsel for the petitioner has inter alia argued that the petitioner has been in custody for the last more than one year. The petitioner claims that he has been involved in the case on account of serious enmity between the parties. In support of his contentions, he has placed reliance on Annexures P-3 to P-5 which indicate that Balraj Singh father of

the petitioner has filed suit for injunction for restraining the uncle of the complainant Subhash Singh and others from dispossessing or interfering in the possession of the house which is situated in village Jodhewal. An interim injunction had been granted to the petitioner's father on 04.05.2012. The civil suit was decreed on 29.05.2015 after the registration of this FIR. A contempt petition seems to have been filed vide Annexure P-5 by the petitioner's father against the relations of the complainant. The present FIR is dated 03.07.2014.

In view of serious enmity between the parties regarding a property dispute, there does not appear to be any chance of tampering with the evidence. Vikrant Rana has already been examined in chief. The victim in the present case is 15 years old boy. It will be a debatable issue if the petitioner who has got enmity with the family of the victim would have committed unnatural offence as alleged by the complainant.

State counsel has relied upon a report of the chemical examiner regarding the detection of spermatozoa in the rectal swabs.

In view of previous inimical relations between the family, without expression of any opinion on merits, taking into consideration the period of detention suffered by the petitioner i.e. with effect from 15.04.2015, he can be granted concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

April 12, 2016

harsha