

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

204

CRM-M-43292-2014

Decided on : 06.05.2015

*Jai Parkash**... Petitioner**Versus**State of Haryana**... Respondents*

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Krishan Singh, Advocate
for the petitioner.
Ms.Neelam Kashyap, DAG, Haryana.
Mr.Vinod Arya, Advocate for the complainant.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Hari Pal Verma, J. (Oral)

Prayer in this petition is for grant of regular bail pending trial in FIR No.1127, dated 13.09.2013, under Sections 420, 406 and 34, IPC, registered at Police Station City Hisar, District Hisar.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.08.2014 and final report as provided under Section 173, Cr.P.C. has been submitted and even the charge has been framed on 03.04.2015. Now, the case is fixed before the trial court for prosecution evidence.

Learned counsel for the petitioner on the strength of 2013

(1) RCR (Criminal) 346, titled as "Desh Raj Vs. Central Bureau of Investigation" and on the basis of judgment dated 2011(4) RCR

(Criminal) 898, titled as "Sanjay Chandra Vs. CBI" submits that the object of grant of bail to the accused is to secure the appearance of the accused person at trial. In fact, the object of the bail is neither punitive nor preventative. The principal rule to guide release on bail should be to secure the presence of the applicant who seeks bail.

Mr.Vinod Arya, Advocate appearing on behalf of the complainant states that petitioner has succeeded in pushing duplicate gold in the garb of original gold and therefore, have rightly been booked under various offences as mentioned in the FIR. He further states that it is on the basis of report under Section 173 Cr.P.C., the charges have been framed, it prima facie shows involvement of the petitioner.

Learned State counsel has also argued on similar lines as has been argued by the learned counsel for the complainant.

Considering the fact that the investigation is complete and the offence was triable by Magistrate and above all, the petitioner is in custody since 29.08.2014, the present petition is allowed; and the petitioner is admitted to regular bail subject to his furnishing personal bail bonds in a sum of Rs.10 lac with one surety of the like amount to the satisfaction of the trial court.

[Hari Pal Verma]
Judge

06.05.2015
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