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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M No.63317 of 2024
Date of Decision: 08.01.2025

Jai Parkash Khushwaha ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
45	16.06.2024	Mohkampura, District Police Commissionerate Amritsar	381 and 409 of IPC (380, 411 and 120-B of IPC added later on)

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been registered on the basis of statement

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recorded by the complainant Vinod Mehra, owner of a Knitting Company alleging therein that 74 thousand meter knitted fabric having worth of Rs.45 lakhs had gone missing from the premises of his factory and on checking the CCTV camera, some unknown persons were found loading knitting fabric in a pickup van on three different dates in the month of June 2024. Subsequently, it was revealed that the present petitioner who was posted as Chowkidar in the factory of the complainant, in connivance with the co-accused had committed theft of 1,10,000 meter fabric. He was arrested on 16.06.2024. Investigation stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 16.06.2024. The co-accused Harjeet Singh and Anil Jain have been extended benefit of bail. FIR against the co-accused Dinesh Kumar Panjgotra stands quashed. The subject offences are triable by Magistrate. Trial is likely to take time. There are no chances of his absconding. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Per contra, Ms. Ruchika Sabherwal, Sr. DAG, Punjab has argued that there are specific and serious allegations against the petitioner who in connivance with the co-accused had committed theft of knitted fabric from the factory premises of his employer and not only committed offence of criminal breach of trust but also of theft. There are chances of his absconding if extended benefit of bail. Therefore, it is urged that he does not deserve to be given benefit of bail.

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5. I have heard learned counsel for the parties at considerable length and have gone through the record.
6. The petitioner along with the co-accused is alleged to have committed theft of knitted fabric from the factory premises of the complainant and is further alleged to have sold the same further and derived financial benefits. He is in custody since 16.06.2024. Investigation stands concluded. Trial would take time. The offences in question are triable by Magistrate. No useful purpose would be served by detaining the petitioner any more in custody. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

08.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No