

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:069632



110-222

CRM-M-5575-2026 (O&M)

Date of decision:04.05.2026

Karamjit Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. S.S. Narula, Senior Advocate with
Mr. Gurinder Singh Dhillon, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

CRM-18960-2026:

1. Prayer in the instant application is made for addition of offence under Section 305 of the BNS in the head note as well as in the prayer clause of the main petition.
2. For the reasons assigned in the application, the prayer is allowed. The requisite addition shall stand incorporated in the head note as well as prayer clause of the main petition.
3. Registry to do the needful.

Main case:

1. The instant petition has been filed by the petitioner under

Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.478 dated 18.12.2025, registered under Section 316(3) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) (offences under Sections 316 (5), 61(2) and 318(4) of the BNS were added lateron), at Police Station Taraori, District Karnal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the Assistant Manager (Administration), Modern Dairies Ltd., Shamgarh, Karnal, alleging therein that on the night of 17.12.2025, the petitioner, who was driver of a tanker bearing registration No.PB-13-BB-4161 working under the transporter Buta Singh resident of Ludhiana, had fetched paneer whey from Ropar District Cooperative Milk Union, Mohali and had reached at the unit of Modern Dairies Limited at Shamgarh. The gross weight of the tanker was found to be 32,360 kilograms. The cheese whey was unloaded at the reception of Casein Plant. The weight of the tanker was recorded to be 11,800 kilograms at that time. However, thereafter, the petitioner took the tanker vehicle towards the place where milk used to be loaded and instead of exiting from the main gate, he got his tanker connected with the milk tank of the plant and filled 9800 litres of milk in his tanker vehicle. Thereafter, he took the tanker vehicle towards the main gate. He was stopped by the security supervisor on the basis of suspicion and it was found that 9110 kilograms of milk was got filled in the tanker vehicle by the petitioner in an illegal manner thereby committing theft of the same. The total amount of the milk contained in the tanker vehicle was about Rs.7,68,000/-. By alleging that the petitioner in connivance with the other officials of the plant had been committing theft of milk etc. thereby

causing huge loss of money to the Modern Dairies Ltd., the complainant prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Co-accused Parveen was arrested on 18.12.2025 and suffered disclosure statement admitting his involvement in the crime. Thereafter, the petitioner was also arrested on 27.12.2025 and has suffered disclosure statement admitting his involvement in the crime along with co-accused. Co-accused, Shaiki Ram was also arrested subsequently. It was revealed that Parveen, operator of Modern Dairy Limited, who had control and supervision over milk received, processed, stored and dispatched, by conniving with the petitioner had been managing to send the milk outside. Multiple suspicious bank transactions amounting to Rs.45 lakhs were found to have taken place in the bank account of the said accused. Investigation is going on.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the case. He is in custody for a period of 04 months. The subject offences are triable by the Magistrate. He had no control over the loading mechanism or internal pumping operations in the dairy plant which were exclusively managed by the processing operators and helpers of the plant. He was following instructions provided by the staff members of the plant. He cannot be held responsible for the actions of employees of the plant. The entire loading process in the dairy plant is monitored by CCTV and overseen by multiple layers of security. His intent to exit the gate was done in a routine manner on the fateful night. He had not bypassed inspection in any manner. His antecedents are clean. No recovery

remains to be effected from him. No useful purpose would be served by detaining him in custody anymore. It is, thus, argued that the petition deserves to be allowed.

5. Status report and custody certificate of the petitioner have been filed. Learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner and the fact that the investigation is still going on, the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner, who was employed as a driver of the vehicle used for transporting milk products to the company of the complainant, is alleged to have committed offence of criminal breach of trust by making attempt to dishonestly misappropriate or convert to his use milk got loaded in his tanker vehicle without any instructions from his employer with an intent to cheat not only the complainant but also his employer. He is also alleged to have made an attempt to commit theft of 9110 litres of milk having value upto Rs.7,68,000/-. The allegations *prima facie* make out a case for commission of subject offences against him. However, he has been in custody since 27.12.2025. He is not required for further investigation. Obviously, the trial will take considerable time to conclude. No useful purpose would be served by detaining the petitioner in custody anymore. The well settled proposition of law is that bail is the rule and jail is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused

during trial, and it cannot be preventive or punitive. In view of the above discussed facts, the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

04.05.2026

harjeet

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(MANISHA BATRA)
JUDGE