



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

**CRM-M-10983-2026 (O&M)
Date of decision: 24.03.2026**

MAHENDER JOSHI ALIAS AJAY

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sushil Jain, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.417 dated 30.12.2025 registered under Sections 306 of BNS, 2023, at Police Station Murthal, District Sonapat.
2. Brief facts of the case of prosecution are that the petitioner, in connivance with other co-accused, committed theft in the company of the complainant. Hence the present FIR.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case solely on the basis of suspicion. He submits that, in fact, the petitioner was working as a Store In-charge with the complainant company and had been consistently requesting an increase in his salary, which the company failed to consider. It is further



submitted that, thereafter, the petitioner applied for employment with another company and received an offer letter. Upon learning of his selection elsewhere and after the petitioner tendered his resignation, the complainant company issued a show cause notice dated 01.11.2025, alleging shortage of material in the store and calling upon the petitioner to explain his position. Learned counsel argues that the said notice was issued in haste, as it does not specify the details of the alleged shortage. He further submits that the allegations are vague and inherently improbable. It is contended that a single drum of wire weighs more than 1,000 kilograms, and it would not be feasible for the petitioner to remove such material without being captured by the CCTV cameras installed at the premises of the complainant company. Learned counsel submitted that the State, in its reply, has assessed the value of the alleged stolen material at approximately ₹2 Crore, whereas, the FIR mentions the value as ₹10 Lakhs, which casts serious doubt on the prosecution's version. It is also submitted that the case is based entirely on documentary evidence, such as the audit report and stock registers, which are already in possession of the complainant company and the investigating agency. Therefore, no recovery is to be effected from the petitioner. He further submits that petitioner has been in custody since 06.01.2026, and has clean antecedents as he is not involved in any other case. The investigation in the case is complete, challan stands presented and charges are yet to be framed, and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

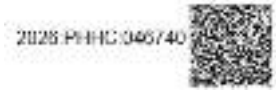


4. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner and also filed status report, which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she could not controvert the fact that the petitioner has clean antecedents as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 2 months; investigation is complete; challan stands presented, charges are yet to be framed; and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM



concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

24.03.2026

Puneet....

i)

Whether speaking/reasoned?

Yes/No

ii)

Whether reportable?

Yes/No

(RUPINDERJIT CHAHAL)

JUDGE