



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37727-2025
Decided on : 23.07.2025

Neeraj Sharma . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vikas Gupta, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Neeraj Sharma	48	05.03.2025	103, 111, 111(5), 249, 253, 61(2) (added later on) of BNS, 2023 and 25(6), 25(7) of Arms Act, 1959	City Tarn Tarn	Tarn Taran

2. As per the case of the prosecution, the accused persons, namely:
(i) Baljinder Singh @ Bobby s/o Jagir Singh, (ii) Sunny s/o Jagir Singh, (iii) Babbu Singh s/o Kewal Singh, (iv) Goldy s/o Dara Singh, (v) Ashwani Kumar @ Saifi s/o Narinder Singh, and (vi) Boota Singh s/o Mahinder Singh, had allegedly formed a gang and were involved in the sale of narcotic substances. A quarrel is stated to have occurred between the said accused persons and one Jagdish Singh @ Maula s/o Kuldeep Singh, and owing to



said grudge, the accused persons, in conspiracy with each other, are alleged to have shot dead Jagdish Singh @ Maula.

3. Learned counsel for the petitioner submits that the petitioner's name is not mentioned in the FIR. However, his name was later introduced vide rapat No.28 dated 05.06.2025, based on the disclosure statement of co-accused Gurchet Singh @ Happy. The sole allegation against the petitioner is that he allegedly provided shelter to co-accused Baljinder Singh @ Bobby and Gurchet Singh @ Happy during the pre and post-crime period. Other than this, no overt act or role of providing weapons or any other material assistance is attributed to the petitioner. It is further submitted that the petitioner has been in custody since 12.03.2025 and is not involved in any other criminal case.

4. Learned counsel for the petitioner further argues that the burden would lie heavily on the prosecution to establish the petitioner's involvement in the alleged crime, particularly when the only basis for his implication is a disclosure statement, which by itself is considered a weak piece of evidence as per settled law by the Hon'ble Supreme Court. It is contended that unless corroborated by independent material connecting the petitioner directly or indirectly to the crime, reliance solely on the said statement would not suffice.

Thus, he prays for grant of concession of regular bail to the petitioner.

5. On the other hand, learned State counsel has filed the custody certificate dated 22.07.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.



A copy thereof has been handed over to the counsel for the petitioner.

6. While vehemently opposing the prayer of bail, learned State counsel submits that keeping in view the nature of offence and the allegations levelled against the petitioner, he does not deserve any leniency. However, he is unable to dispute the factual submissions made by counsel for the petitioner.

7. I have heard the submissions addressed by learned counsel for the parties from both sides and have also taken note of the fact that the petitioner's involvement in the present case is based solely on a disclosure statement, which itself was recorded subsequently vide rapat No.28, dated 05.06.2025. Therefore, onus lies upon the prosecution to establish, during trial, its case beyond the shadow of doubt so as to connect the petitioner with the present case.

Therefore, in the totality of circumstances, I deem it appropriate to entertain the petitioner's plea for regular bail, as further custody of the petitioner is not likely to serve any useful purpose for the prosecution.

8. Consequently, without making any comments over the merits of the case, the prayer for bail of the petitioner is **allowed**. petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



10. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 23, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No