



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

222

CRM-M-12860-2025  
Decided on : 13.05.2025

Jatinder Sharma @ Jeetu

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Parminder S. Sekhon, Advocate and  
Mr. Rajdeep S. Gill, Advocate  
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

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**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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jatinder Sharma @ Jeetu	120	26.08.2020	22-C, 25 & 29 of NDPS Act, 1985	Dhanaula	Barnala

2. Learned counsel for the petitioner argues that the instant FIR was registered on 26.08.2020, and the petitioner was never required by the police for arrest. He further submits that the recovery pertains to 9000 tablets of Alprazolam along with 180 capsules of Tramadol Hydrochloride, which were seized from the main accused – Abhishek Sharma, has already been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 10th May, 2023, passed in CRM-M-16810-2022, titled “Abhishek Sharma v. State of Punjab” (Annexure P-4), though only after undergoing



incarceration for a period of 2 years and 6 months.

Learned counsel also points out that the other co-accused, namely Sunita and Naresh Mittal @ Rinku @ Rakesh Mittal, have also been granted the concession of regular bail by the Coordinate Bench of this Court vide separate orders dated 25.08.2021, passed in CRM-M-26033-2021 (O&M) and CRM-M-19636-2021 (O&M), appended as Annexures P-2 and P-3, respectively.

3. Learned counsel for the petitioner contends that the prosecution's attempt to involve the petitioner in the present case is based solely on the disclosure statement made by the main accused – Abhishek Sharma. However, this disclosure is not corroborated by any connecting evidence collected during the investigation, making it extremely difficult for the prosecution to establish the petitioner's involvement. Moreover, no other similar case has ever been registered against the petitioner. In such a scenario, the possibility of the petitioner being unnecessarily implicated by the police appears high, although, considering the circumstances, the case may ultimately end in acquittal. In the absence of any substantial evidence, the petitioner has remained in custody for more than four months.

Therefore, counsel for the petitioner prays for the grant of regular bail.

4. On advance notice and in response to the arguments addressed by the petitioner's counsel, learned State counsel submits that there is a substantial recovery in the present case. Although the main accused – Abhishek Sharma, has been granted bail, only after undergoing 2 years and 6 months of incarceration. Hence, the petitioner cannot claim parity with him. The State counsel further argues that the petitioner cannot be viewed as less culpable, as



he is alleged to be the one, who is operating the drug racket, thereby endangering the future of the youth in society.

5. Despite being specifically asked by the Court, the learned State counsel is unable to point out any piece of evidence collected during the investigation that corroborates the facts stated in the disclosure statement of the main accused – Abhishek Sharma.

Furthermore, it would be a moot question before the trial Court that whether on the basis of disclosure statement, petitioner can be convicted for the alleged recovery or not ?

Further, on being asked by the Court, it is also informed that the investigation has been completed and despite FIR being the year of 2020, no steps were taken by the prosecution agency to get the petitioner declared 'proclaimed offender', till the time, he was arrested.

6. In view of the foregoing facts and observations, this Court is of the considered opinion that the personal liberty of the petitioner cannot be curtailed in the absence of any direct or connecting evidence against him.

7. Consequently, prayer made in the present petition 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.

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

9. The observation made here-in-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.



10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

**May 13, 2025**

*J.Ram*

*Whether speaking/reasoned:* ✓ Yes/~~No~~

*Whether Reportable:* ✓ Yes/~~No~~