



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CRM-M-28143 of 2025(O&M)
Date of Order:29.01.2026

Sombir

.Petitioner

Versus

State of Haryana

..Respondent

(2) CRM-M-24573 of 2025(O&M)

Surender Singh

.Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Japjit Singh Johal, Advocate,
for the petitioner (in CRM-M-28143-2025)

Mr. Sumer Singh Boparai, Advocate
Mr. Surya Pratap Singh, Advocate
Mr. Abhilash Pathak, Advocate
Mr. Ankit Jangra, Advocate
for the petitioner (in CRM-M-24573-2025)

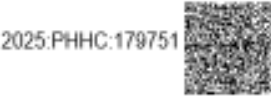
Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana

SANJAY VASHISTH, JUDGE

1. This order shall dispose of CRM-M-28143 of 2025 and CRM-M-24573 of 2025, as both the petitions are interconnected and have arisen out of same FIR.

2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have 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
Sombir (in CRM-M-28143-2025)	FIR No.1008	03.12.2024	21(c) of the NDPS Act (Challan presented under Section(s) 22(c), 27(a), 29 of NDPS Act	Hisar Sadar,	Hisar
Surender Singh (in CRM-M-24573-2025)			21(c) of the NDPS Act and challan presented under Section 22-C and 27-A of NDPS Act.		

3. As per case of the prosecution, a secret information was received by the Crime Patrolling Team to the effect that two persons, namely, Sombir and Mahipal residents of Kharkari, deal in selling Heroin(chitta) and today said accused would come in an Alto car from village Ladwa side to go village Satrod Kalan to sell Heroin to the drug addicts. After some time, one Alto car bearing No.HR26-AV-2059 was noticed and after stopping the same, three of the occupants disclosed their names as Mahipal, Sombir and driver Rajneesh. On effecting recovery of the accused, heroin was recovered in a waxy envelope of white transparent colour from the right pocket of the blue coloured jeans worn by petitioner-Sombir. It is further argued by counsel for the petitioners that as per RFSL report, recovered contraband has not been declared as Heroin (chitta), rather as per result of examination, it is recorded as **“Tramadol, Dicyclomine and Paracetamol were detected in the sample”**. Thus, learned counsel argues that petitioner-Sombir(CRM--M-28143-2025) is inside jail since



03.12.2024, whereas another petitioner-Surender Singh (CRM-M-24573-2025) who was involved on the basis of disclosure statement of accused-Sombir and Mahipal is confined since 31.01.2025. Further argues that as per RFSL report, the substance which has been recovered in the present case is not Heroin but the salt of Tramadol. However, till date prosecution is not definite that the salt of Tramadol is of what potentia and same would be considered under the commercial quantity or non-commercial quantity.

4. Additionally, in regard to petitioner-Surender Singh, it is also addressed that nothing has been recovered from his possession though he is confined in jail since 31.01.2025 and his implication is only on the basis of disclosure statement of accused-Sombir and Mahipal. Also, the FSL report does not disclose the recovered substance to be heroin, therefore, petitioner cannot be confined for indefinite period in jail.

5. On the other hand, learned State counsel submits that there are call details amongst all the accused persons. Moreover, as per FSL report, the salt of Tramadol once has been concluded, it cannot be claimed that the petitioners are innocent and have not committed any crime. He also submits that against petitioner-Surender, there is one more case under the NDPS Act, therefore, both the petitioners do not deserve concession of bail.

6. I have heard the rival contentions addressed by learned counsel for the parties and gone through the record. Matter of concern is that prosecution itself is not definite whether it is heroin (chitta) or something else. Even if the presence of Tramadol salt is noticed, it cannot be concluded by taking a definite view that the salt is of what potentia or what is the quantity found from the recovered substance. Also, petitioner-Sombir is



inside jail since the time of registration of the FIR i.e. for the last one year and two months and petitioner-Surender Singh is also inside the jail since 31.01.2025 and the trial is yet to commence, as no prosecution witness has been examined so far out of 22. The offences alleged are triable by the Court of learned Magistrate and, in the circumstances, continued incarceration of the petitioners for an indefinite period would not serve any meaningful purpose. Therefore, this Court finds no justifiable ground to deny the concession of regular bail to the petitioners at this stage.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their 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.

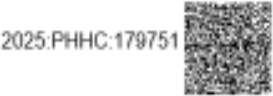
7. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. 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.

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

10. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.



Photocopy of this order be placed on the file of other connected case.

January 29, 2026
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(SANJAY VASHISTH)
JUDGE

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