

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

CRM-M-43278-2016 (O&M)

Date of decision: 13.12.2016

Sarabpreet Singh @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. S.K. Passi, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab,  
assisted by ASI Harbans Singh.

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.45 dated 27.03.2016, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985; and Section 14 of the Foreigners Amendment Act, 2004; at Police Station Sadar Fazilka.

Learned counsel refers to order dated 21.09.2016, passed in CRM-M-31791-2016 (Annexure P-3), wherein, learned State counsel, on instructions, made a statement that Section 29 of the NDPS Act and Section 14 of the Foreigners Amendment Act were part of the original FIR, to contend that the statement so made before this Court is contrary to record.

Learned State counsel, on instructions, fairly concedes to the extent that the instructions on the basis of which statement was made to the extent that Section 29 NDPS Act and Section 14 of the Foreigners Amendment Act, were not added subsequently, were factually incorrect and against the record. He clarifies that these sections were added subsequently

ATUL SETHI  
2016.12.13 17:29  
I attest to the accuracy and  
authenticity of this document  
Chandigarh

on 30.03.2016.

Heard.

Keeping in view the statement made by learned State counsel and the fact that the recovery was not effected from the conscious possession of the petitioner, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

**13.12.2016**

*atulsethi*

**(JITENDRA CHAUHAN)  
JUDGE**

Whether speaking / reasoned :      Yes      No

Whether Reportable :      Yes      No