

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

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**CRM-M-44048-2019 (O&M)
Date of Decision: 06.11.2019.**

Bal Krishan Modi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Arun Kumar Tyagi, J.(Oral)

The petitioner has filed present petition under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.257 dated 04.07.2017 under Sections 15, 25, 27A, 29 of the NDPS Act, 1985 and under Sections 420, 467, 468, 471, 120-B, 34 of the IPC, 1860 registered at Police Station Kundli, District Sonapat.

The petitioner along with co-accused Suresh Dhanka, Mukesh Bindal, Deepak, Narender Tyagi and Darshrath Jain and others has been charge sheeted to face trial for alleged commission of above said offences. The core allegations are that on 04.07.2017 recovery of 2140 Kgs of poppy husk was made from vehicle No.MP-44-GA-1168 which was being driven by co-accused Suresh Dhanka while co-accused Mukesh Bindal was travelling in that vehicle as representative of the owner of goods. On investigation, the petitioner was found to be involved in the commission of said offences on account of supply of his TIN number for preparing of forged bilty for transportation of the goods.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated on the basis of third disclosure statement allegedly made by co-accused Mukesh and there is no substantive evidence against the petitioner. The petitioner is in custody since 06.06.2019. The petitioner is not involved in any other case under the NDPS Act.

The prayer for bail has been opposed by learned State counsel, who has argued that the petitioner has supplied his TIN number for forging bilty. The petitioner was declared proclaimed offender vide order dated 04.06.2018 and could be arrested only on 06.06.2019. The petitioner is likely to abscond if ordered to be released on bail. However, learned State counsel has conceded that the petitioner is not involved in any other case under the the NDPS Act.

During the course of arguments, learned Counsel for the petitioner has pointed out and learned State Counsel has conceded that in the present case main accused Mukesh Bindal has been granted interim bail by this Court vide order dated 15.05.2019 passed in CRM-M-4561-2019 and three other co-accused Deepak, Narender Tyagi and Darshrath Jain have been granted regular bail by this Court vide orders dated 09.04.2019, 04.04.2019 and 14.05.2019 respectively passed in CRM-M-8938-2019, CRM-M-47348-2018 and CRM-M-18112-2019. Co-accused Mukesh also filed CRR-2561-2018 (O&M) challenging the FSL report, on which this Court has ordered that the proceedings may continue but passing of final order shall remain stayed. This Court has also directed that CRR-2561-2018 be listed for hearing after decision of Criminal Appeal No.722 of 2017 (Arising out of SLP (Crl.) No.6092 of 2014 titled 'Hira Singh and another vs. Union of India and another' by Hon'ble Supreme Court of India.

In view of the facts and circumstances of the case, particularly the fact that main accused Mukesh Bindal has been granted interim bail and co-accused Deepak, Narender Tyagi and Darshrath Jain have been granted regular bail by this Court as mentioned above and parity of the case of the petitioner as well as the fact that passing of the final order in the case has been stayed by this Court, and conclusion of trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the present petition is allowed and petitioner Bal Krishan Modi is ordered to be released on regular bail on furnishing of bail bonds by him to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonapat.

(ARUN KUMAR TYAGI)
JUDGE

06.11.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No