

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-13517 of 2015
Date of Decision:- 01.10.2015.

Ankur Bajaj and others

.....Petitioners

Versus

Gurnam Singh, Deputy Director, Directorate of Enforcement

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Vishal Deep Goyal, Advocate for the petitioners.

Ms. Ranjana Shahi, Advocate for the respondent.

SURYA KANT, J. (ORAL)

1.) The short issue which arises for consideration in this petition filed under Section 482 Cr.P.C. is whether the non-bailable warrants issued by the learned Special Judge vide order dated 15.4.2015 under the provisions of Prevention of Money Laundering Act, 2002 (for short 'Act'), can be allowed to be executed when the petitioners had already approached the said Court for the grant of pre-arrest bail vide their application dated 27.3.2015/02.04.2015 purportedly filed under Section 438 Cr.P.C.?

2.) The petitioners were summoned to face trial under the Act

pursuant to a statutory complaint dated 2.3.2015 filed by the Directorate of Enforcement. The petitioners were summoned in that complaint on 9.3.2015 by the designated Special Court, Patiala for their appearance on 20.3.2015. The petitioners chose not to appear though the summons were duly served. Thereafter,ailable warrants were issued by that Court to secure their presence on 15.4.2015 but as per the case of respondents, the petitioners did not appear on 15.4.2015 as well. It is in this backdrop that the Court had to issue non-ailable warrants on 15.4.2015.

3.) The case of the petitioners is that their counsel appeared before the learned Special Court on 20.3.2015 and well before the non-ailable warrants were issued, they moved a petition under Section 438 Cr.P.C. on 27.03.2015/ 02.04.2015 to grant them pre-arrest bail. It is averred that no decision on that petition was taken by the learned Special Judge before issuing the non-ailable warrants.

4.) The said petition was later on dismissed by the learned Special Judge vide order dated 30.4.2015.

5.) The question as to whether or not the petitioners are entitled to pre-arrest bail can be considered in appropriate proceedings and it need not be gone into in this petition filed under Section 482 Cr.P.C. Nevertheless, the petitioners' contention that non-ailable warrants ought not to have been issued on 15.4.2015 when their petition seeking pre-arrest bail was pending consideration merits acceptance.

6.) Consequently, this petition is allowed in part to the extent that the order dated 15.4.2015 issuing non-bailable warrants against the petitioner is set aside. Since their petition for grant of pre-arrest bail has been meanwhile dismissed by the Special Judge, the said Court may again proceed in the matter in accordance with law. Similarly, we grant liberty to the petitioners also to approach the appropriate forum for seeking relief against their arrest.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

October 1, 2015.

sandeep sethi