IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-28452 of 2015
Date of Decision:- 01.10.2015.

Gurpreet Kaur @ Gurmeet Kaur

......Petitioner

Versus

Niranjan Singh, Assistant Director, Director of Enforcement, Govt. of India

.......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 petitioner.

Ms. Ranjana Shahi, Advocate, Senior Penal counsel
for the respondent.

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SURYA KANT, J. (ORAL)

1.) In this petition purportedly filed under Section 482 Cr.P.C., the petitioner has questioned the warrants issued vide order dated 3.8.2015 for securing her presence on 28.8.2015 before the learned Special Judge, Patiala in a statutory complaint titled ***Niranjan Singh, Assistant Director, Directorate of Enforcement, Jalandhar, Government of India Vs. Balshinder Singh and others*** filed under Section 45 (1) of the Prevention of Money Laundering Act, 2002 (in short, the Act).

2.) Vide the interim order dated 26.8.2015, the petitioner was permitted to surrender before the Court of learned Sessions Judge-cum-Special Judge, Patiala with a direction to admit him to interim bail on furnishing bail bonds to the satisfaction of that Court.

3.) The petitioner is said to have furnished those bail bonds.

4.) Learned counsel for the Enforcement Directorate, however, opposes the prayer *inter alia* pointing out that:-

(i) Petitioner happens to be the wife of kingpin of the *drug mafia*, namely, Jagdish Singh @ Bhola;

(ii) Huge moveable and immoveable assets have been amassed by the family members through untraced sources of income which are *ex facie* the 'proceeds of crime';

(iii) The petitioner, in the event of not being in judicial custody, are likely to tamper with the evidence and may influence the witnesses;

(iv) The offence is grave in nature;

(v) There is a statutory bar against the grant of bail save there is compliance of Section 45 (1) (ii) of the Act.

5.) Having given our thoughtful consideration to the submissions, we are satisfied that no purpose shall be served by putting the petitioner in judicial custody pending trial in the Statutory Complaint. We say for the reasons that:

(i) It is an admitted fact that during investigation of the money laundering case, the petitioner was never arrested by the Enforcement Directorate in exercise of its powers under Section 19 of the Act;

(ii) The assets created by the petitioner with the alleged aid of proceeds of crime have already been seized/attached;

(iii) It is not the case of Enforcement Directorate that any private vulnerable witness is to depose against her. It would, thus, be too much presumptuous at this stage that the petitioner would tamper with the evidence;

(iv) The maximum sentence for an offence under the Act is 7 years though it may extend to 10 years if the case falls under proviso to Section 4 of the Act;

(v) It further appears that rigors of Section 45(1)(ii) of the Act would be attracted only while considering the bail plea of an accused who has been arrested by the E.D. Under Section 19 of the Act;

(vi) The complaint is at the initial stage and its adjudication will take time.

6.) Taking into consideration the totality of the circumstances, the interim order dated 26.8.2015 is made absolute.

7.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

October 1, 2015.
sandeep sethi