

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-36607 of 2015
Date of Decision:- 6.11.2015.

Ankur Bajaj and others

.....Petitioners

Versus

Gurnam Singh

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

Ms. Ranjana Shahi, Advocate for the respondent.

SURYA KANT, J. (ORAL)

1.) The petitioner was summoned to face trial in a Statutory Complaint dated 2.3.2015 filed by the Directorate of Enforcement, Jalandhar under Section 45 of the Prevention of Money Laundering Act, 2002 (for short 'Act'). As per the allegations, the petitioner is the principal conduit of drug traffickeers for the illegal transfer of their illicit proceeds of drug crime through *Hawala* transactions. The petitioner is involved in more than one such like cases.

2.) Petitioner failed to appear in the instant case on being summoned by the Special Court, Patiala and finally, non-bailable warrants were issued on 15.4.2015 to secure his presence. Before that, the petitioner applied for the grant of pre-arrest bail. Since the non-bailable warrants were issued without deciding his anticipatory bail petition, this

Court vide order dated 1.10.2015 set aside the same. Meanwhile, the Special Court declined anticipatory bail to the petitioner and one of the reason assigned was that the Directorate of Enforcement summoned him on several occasions but due to lack of cooperation, the Directorate could not extract the desired information. The other reason to decline pre-arrest bail was that the petitioner disobeyed the bailable warrants.

3.) The petitioner has again been summoned through bailable warrants by the learned Special Judge, Patiala for appearance on 30.11.2015. Apprehending that he may not be taken in judicial custody, he has filed the instant petition.

4.) We asked learned counsel for the Enforcement Directorate as to why the petitioner was not subjected to custodial interrogation despite such ample powers expressly vested in the authorities under Section 19 of the Act. No specific or satisfactory reply has come forward though it is reiterated that the petitioner has been non-cooperative in the ongoing investigation.

5.) Having regard to the fact that the Authorities for the reasons best known to them did not resort to their power under Section 19 of the Act but keeping in view multitude of allegations levelled against the petitioner and the fact that in such like matters, the investigation must be allowed to reach its logical conclusion, we grant liberty to the Deputy Director, Directorate of Enforcement at Jalandhar to summon the petitioner on any working day from 12.11.2015 to 27.11.2015 and subject him to interrogation between 9.00 a.m. to 5.00 p.m. While the petitioner need not be arrested, the Directorate shall be free to interrogate without any assistance of lawyer or any other person to him. The petitioner shall fully

cooperate with the Investigating agency, if summoned by the Directorate. The Enforcement Directorate may thereafter file a status-report before the Special Judge, Patiala on the petitioner's conduct and cooperation in the course of investigation and if so required, a supplementary complaint-cum-report may also be submitted in the Court concerned.

6.) After joining the investigation as may be asked by the Directorate of Enforcement, the petitioner is directed to appear before the Special Judge on the date fixed i.e. 30.11.2015 and furnish bail bonds to the satisfaction of that Court whereupon he shall be admitted to bail.

7.) The conditions imposed by this Court vide order dated 1.10.2015 passed in **CRM No.M-13517 of 2015 (Ankur Bajaj and Others Vs. Gurnam Singh, Deputy Director, Directorate of Enforcement)** shall apply *mutatis mutandis* in this case as well. In addition, the learned Special Judge may impose any other condition as he may deem fit.

**(SURYA KANT)
JUDGE**

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

November 6, 2015.

sandeep sethi