

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10154-2016 (O&M)

Date of Decision: 21.03.2016

Davinder Singh Nirwal

... Petitioner

VS.

Gurnam Singh, Deputy Director,
Director of Enforcement

... Respondent

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

Present: Ms. GK Mann, Advocate for the petitioner

Ms. Reeta Kohli, Addl. AG Punjab with
Mr. Hanspal S Virk, AAG Punjab

SURYA KANT, J. (Oral)

(1) The petitioner has been summoned by the Directorate of Enforcement in a statutory complaint filed under Section 45(1) of the Prevention of Money Laundering Act, 2002. It is alleged in the complaint that the petitioner is guilty of committing offences as defined under Section 3 and punishable under Section 4 of the Act. The petitioner was summoned to appear on 29.02.2016. For the reasons best known to him, the petitioner chose not to appear on the date fixed and is said to have been again summoned for today. The petitioner seeks a pre-emptory direction for acceptance of his bail bonds by the Special Court and then only he wants to appear in the summoned case.

(2) In our considered view, such a procedure or pre-condition for appearance put forth by the petitioner cannot be accepted since the learned Special Court-cum-Sessions Judge too is empowered to grant pre-arrest as well as regular bail to the

petitioner. We see no reason as to why the petitioner has firstly not appeared in person or through counsel before the Special Judge and sought such relief from the said court. We have no reason to doubt that the learned Special Court shall consider the petitioner's application for bail, taking into consideration all the attending circumstances including the merits of the case as are highlighted by learned counsel for the petitioner before this Court.

(3) With liberty afore-mentioned, this petition stands disposed of.

(Surya Kant)
Judge

21.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge