

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

CRM-M-10391-2017

Date of Decision: May 09, 2017

Gurmesh Kumar Gaba

...Petitioner

VERSUS

Assistant Director, Directorate of Enforcement, Govt. of India.

....Respondent

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. Sandeep Wadhawan, Advocate for the Petitioner.

Ms. Ranjana Shahi, Advocate for the Respondent.

SUDIP AHLUWALIA, J.

The petitioner seeks pre-arrest bail in Criminal Complaint No.1 dated 22.01.2016 in case ECIR No.02/JLZO/2013 filed by the Enforcement Directorate under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (for short, 'the PMLA') which is pending in the Court of learned Special Judge, Patiala.

2. There are several persons including the petitioner who have been arrayed as accused in the above stated complaint. The main allegations in the complaint are against Chunni Lal Gaba who is father of the petitioner and Gurjit

Kumar Gaba who is another son of Chunni Lal Gaba. Against both of them, cases under the NDPS Act have also been registered and there are specific allegations of manufacturing and sale of illicit drugs/contrabands against them. The company in which Chunni Lal Gaba and Gurjit Kumar Gaba are Directors, namely, M/s Medcare Remedies Pvt. Ltd. is also co-accused.

3. In support of the prayer for Anticipatory Bail, it has been urged on behalf of the Petitioner that no case under NDPS Act was registered against him, nor he is a Director in M/s Medcare Remedies Pvt. Ltd., of which, the principal accused, namely, his father Chunni Lal Gaba and brother Gurjit Kumar Gaba are the Directors. With this contention, the pre-arrest bail is sought for the Petitioner on the ground of parity with another accused, namely, Harmesh Kumar Gaba, his paternal uncle, to whom, we had granted such anticipatory bail by our Order dated 28.2.2017 rendered in CRM-M-42455-2016 (Annexure P-11).

4. We have heard the submissions of both the sides and also gone through the reply filed on behalf of the Respondent. We find therefrom that the present Petitioner even though he is not a Director in M/s Medcare Remedies Pvt. Ltd., nevertheless stands on a different footing from his uncle, Harmesh Kumar Gaba.

5. We say so for the reason that it has transpired from the reply of the Respondent that the Petitioner had purchased a plot in Jalandhar after an amount of ₹ 5 lacs was transferred through RTGS from the Bank Account of the accused Company M/s Medcare Remedies Pvt. Ltd. by the principal accused Gurjit Kumar Gaba. Besides, the petitioner is also stated to be the actual brain behind laundering of proceeds of crime, by way of having received a huge amount of ₹ 2,27,30,000/- in cash from his brother/Principal accused Gurjit Kumar Gaba in the year 2012-13.

The Petitioner also has an influential Political Profile and happens to be President of the Municipal Committee, Goraya. He is thus stated to have provided protection to his father and younger brother for indulging in Drug Trafficking while holding such influential Office.

6. For the aforesaid reasons, we do not consider it to be a fit case for grant of anticipatory bail to the Petitioner as was done in the case of his brother Harmesh Kumar Gaba. The petition is therefore, rejected.

(Surya Kant)
Judge

(Sudip Ahluwalia)
Judge

May 09, 2017
AS

Whether speaking/reasoned : ***Yes/No***
Whether Reportable : ***Yes/No***