IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-13864 of 2017

Date of Decision: August 16, 2017

Maninder Singh Aulakh @ Bitto Aulakh ......Petitioner

versus

Gurnam Singh, Deputy Director, Directorate of Enforcement, Government of India .....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.**
**HON'BLE MR.JUSTICE SUDHIR MITTAL.**

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Present: Mr.Dharmender Bhan, Advocate, for the petitioner.
Ms.Rajana Shahi, Advocate, for the respondent.

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**Surya Kant, J**. (Oral)

The petitioner seeks grant of regular bail in the Complaint Case No.COMA-1/2015 filed by the Directorate of Enforcement alleging offence of Money Laundering under Sections 3 & 4 of the Prevention of Money Laundering Act, 2002, titled as 'Gurnam Singh, Deputy Director, Directorate of Enforcement, Jalandhar versus Anup Singh Kahlon and others'. The complaint has been filed under Section 45(1) of the Prevention of Money Laundering Act, 2002.

[2] The above-mentioned case started in the wake of busting of a drug racket being run in the State of Punjab which led to registration of a number of FIRs under the NDPS Act, 1985 read with different provisions of the Indian Penal Code and the Arms Act. Those cases were registered during the years 2013-14. It is claimed by the Punjab Police that during the course of investigation of those cases, huge contraband, currency notes, ornaments and vehicles etc. were recovered from the suspects.

[3] The Enforcement Directorate thereafter started the case by incorporating 8 FIRs of NDPS Act, 1985, for the purpose of investigation under the provisions of the Prevention of Money Laundering Act, 2002 (for short, 'PML Act').

[4] The petitioner who is also involved in the NDPS case, was roped in PML case by the Enforcement Directorate alleging his involvement in the offence of money laundering. He was thus taken into custody on 14.01.2015 while he was already under arrest in the NDPS case, on the strength of a production warrant. The petitioner was meanwhile granted bail in the NDPS case but he continued to be in judicial custody in the PML case. He also applied for the grant of bail in the PML case through CRM-M No.42434 of 2015 which was disposed of by this Court on 07.09.2016 in the following terms:-

> "... 7. In the totality of the circumstances, we dispose of this petition with a direction to the Enforcement Directorate to identify its most vulnerable private witnesses and submit their list to the Ld. Special Court within two weeks, whereupon the Designated Court shall fix a time schedule not to exceed two months for completing the evidence of those witnesses. Thereafter, the Ld. Special Court shall consider the desirability of releasing the petitioner on bail, subject to imposition of such precautionary terms & conditions as deemed appropriate in the light of the changed circumstances, and without being influenced by the previous rejection orders in this regard......"

[5] In this second petition, the petitioner claims that he is entitled to concession of bail in view of changed circumstances.

[6] On the other hand, learned counsel for Enforcement Directorate submits that though some of the witnesses have since been examined, still

there are at least 8 more witnesses left to be examined against the petitioner and owing to his affluent status, political background coupled with the nature of allegations, it may not be expedient to release him on bail at this stage.

[7] Learned counsel for the petitioner, on the other hand, vehemently urges that; (i) the vulnerable private witnesses have since been examined and there is no other private witness left to be examined against the petitioner; (ii) since the Enforcement Directorate has given a list of 38 witnesses which the complainant intends to examine, the conclusion of trial will take a considerable long time; (iii) this Court on the previous date of hearing directed the Special Judge to fix the schedule to examine 8 witnesses but the said Court could not be adhered to the same due to non-appearance of a co-accused who was on bail but was required to surrender as a result of cancellation of bail orders by the Hon'ble Supreme Court and for which the petitioner should not be made to suffer; (iv) the petitioner is in judicial custody for the last four years out of which approximately 2 years and 8 months time is in the PML case only; (v) the petitioner has already been granted regular bail in the offence punishable under the NDPS Act and his properties as well as of his family members have been already attached by the Directorate of Enforcement; (vi) the petitioner has well explained the source(s) of income for the purchase of immovable properties; (vii) the petitioner fully satisfies the ingredients of Section 45 of the PML Act as neither he has committed any offence nor there is any sufficient ground to believe that the petitioner has committed any such offence.

[8] We have heard learned counsel for the parties at a considerable length and gone through the record.

[9] The petitioner is admittedly facing trial under the NDPS Act in which there are allegations regarding recovery from him of 3 Kgs. of Pseudoephedrine and 500 grams intoxicant powder besides two motor vehicles which were allegedly mis-used for drugs trafficking. As regard to PML case, the allegation against the petitioner is that he is running a hotel in the name and style of Sanjog International, Amritsar in which he has 50% partnership. In the year 2012-13 itself, several other immovable properties are said to have been purchased by him, his wife and other family members. The details of the bank accounts of the petitioner are also mentioned. The petitioner though has made an attempt to explain the sources through which those immovable properties were purchased but it is too difficult to even *prima-facie* accept such explanation at this stage. There is nothing on record on the basis of which this Court can satisfy itself that there are reasonable grounds for believing that the petitioner is not guilty of an offence under the PML Act, 2002.

[10] Still further, there is no delay on the part of the Enforcement Directorate in concluding the proceedings and as per the latest report sent by the learned Special Judge vide memo No.58 dated 08.08.2017, summoned witnesses were present but could not be examined due to absence of one of the co-accused.

[11] Learned counsel for the Enforcement Directorate undertakes that the witnesses, as would be asked by the learned Special Judge, shall remain present for their examination as and when summoned and there shall not be any delay on the part of the Enforcement Directorate in concluding the trial.

[12] In this view of the matter, however, without expressing any views on merits, we decline to grant bail to the petitioner at this stage.

Dismissed.

**[SURYA KANT]**
**JUDGE**

August 16, 2017
mohinder

**[SUDHIR MITTAL]**
**JUDGE**

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