

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-36302 of 2016 (O&M)

Date of Decision: January 10, 2017

Amandeep Singh

...Petitioner

VERSUS

Enforcement Directorate and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajeev Sharma, Advocate
for the petitioner.

Mr.S.S.Sandhu, Advocate
for respondent No.1.

Mr.K.S.Aulakh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail in complaint case No.01 of 2016 dated 26.07.2016 in ECIR No.05/CHD/2009 in FIR No.RCCHG 2009 A 0019 dated 10.06.2009 under Section 44 read with Section 45 of the Prevention of Money Laundering Act, 2002 for the offences committed under Section 3 punishable under Section 4 of the Prevention of Money Laundering Act, 2002.

Notice of motion was issued and learned counsel for respondent No.1 as well as learned State counsel appeared and contested the

petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the petitioner has been summoned in private complaint filed by Assistance Director, Enforcement Directorate under the Prevention of Money Laundering (PMLA) that accused is involved in a case of money laundering wherein the accused generated proceeds of crime to the tune of ₹4,17,56,826/- by forging export documents without exporting any goods and also prepared fake form and received duty drawback in his account on the basis of forged export documents. The Enforcement Directorate had seized the property purchased from the proceeds of the crime after generating the proceeds of the crime. Learned Special Judge, CBI dismissed the bail application in view of the nature and gravity of the offence and also in view of the provisions of Section 45 of the PMLA, 2002.

The petitioner generated proceeds of the crime to the tune of ₹4,17,56,826/- by forging export documents and purchased properties with these proceeds. Section 45 of PMLA states that no person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule shall be released on bail or on his own bond unless, the public prosecutor has been given an opportunity to oppose the application for such release and where the public prosecutor oppose the application, the Court is satisfied that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

In this case, the Public Prosecutor has opposed the bail application and there is nothing at this stage from which the Court can

nature and gravity of the offence, I do not find it a fit case where petitioner is entitled to benefit of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed.

January 10, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No