

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

**1. Crl. Misc. No.M-5650 of 2017(O&M)
Date of Decision: December 19, 2017**

Navdeep SinghPETITIONER(s).

VERSUS

Assistant Director Directorate of Enforcement ...RESPONDENT(s).

2. Crl. Misc. No.M-6701 of 2017O&M)

Sarabjit SinghPETITIONER(s).

VERSUS

Assistant Director Directorate of EnforcementRESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Bhupinder Ghai, Advocate
for the petitioner in CRM-M-5650-2017.

Mr. Anil Kumar Garg, Advocate
for the petitioner in CRM-M-6701-2017.

Mr. S.S.Sandhu, Advocate
for the respondent-E.D.

SURINDER GUPTA, J.(Oral)

Both the petitions have been filed under Section 438 Code of Criminal Procedure read with Section 45 of Prevention of Money Laundering Act for grant of anticipatory bail to the petitioners in complaint case No. PBJL01000570 of 2017 (COMA 2/2017) pending before the Court of Special Judge (PMLA), Jalandhar titled as “Assistant Director, Directorate of Enforcement versus Navdeep Singh and another” arising out of FIR No. 18 dated 04.06.2009 registered for the offences punishable under Sections 21, 25 and 28 of Narcotic Drugs and Psychotropic Substances Act,

Amritsar, whereby the petitioners have been summoned to face trial for the offences punishable under Sections 3 & 4 of Prevention of Money Laundering Act, 2002.

Heard.

Learned counsel for the petitioners submits that provisions of Section 45 (1) of the Prevention of Money Laundering Act, 2002 has been held to ultra-virus by Hon'ble Apex Court in case reported as **Nikesh Tarachand Shah Vs. Union of India and another, 2017 AIR (SC) 5500.**

Admittedly, petitioners have surrendered before the trial Court and have been allowed interim bail under the orders dated 21.02.2017 and 14.03.2017 respectively passed by this Court. The bar of maintainability of petition seeking anticipatory bail, now no more exists in view of the above verdict of Hon'ble Apex Court.

Keeping in view the above facts but without expressing any opinion on the merits of the case, both the petitions are allowed. Order dated 21.02.2017 passed in CRM-M-5650-2017 and order dated 14.03.2017 passed in CRM-M-6701-2017 are made absolute subject to the condition that petitioners shall apply for regular bail (if not applied and allowed so far) before the trial Court and will keep on appearing on each and every date of hearing. In the event of their non-appearance on any date without permission, the trial Court will be competent to cancel their bail and forfeit the bail bonds and surety bonds and proceed against them in accordance with law.

December 19, 2017

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No