

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

CRM No.M-7340 of 2017 (O&M)

Date of Decision: July 04, 2017

Amandeep Singh

...Petitioner

VERSUS

Enforcement Directorate and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raju Arora, Advocate
for the petitioner.

Mr.S.S.Sandhu, Standing Counsel
for respondent No.1.

Mr.A.S.Dhaliwal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this second 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 Standing 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 this is second petition for grant of regular bail. The changed circumstance in the present case is that co-accused in this case has been granted bail and learned counsel for the petitioner argued that on the ground of parity, present petitioner is also entitled to bail.

The perusal of the record shows that earlier this Court was not having knowledge of the decisions of the Hon'ble Division Bench, which have been discussed in CRM No.M-14509 of 2017. The Hon'ble Division Bench of this Court in ***CRM No.M-28490 of 2015 titled as Dalip Singh Mann and another vs. Niranjana Singh, Assistant Director, Directorate of Enforcement, Govt. of India, decided on 01.10.2015***, granted bail by holding that during investigation of the money laundering case, the petitioners were never arrested by the Enforcement Directorate in exercise of its powers under Section 19 of the Act. It is also held in that judgment that rigors of Section 45(1)(ii) of the Act would be attracted only while considering the bail plea of an accused who has been arrested by the E.D. under Section 19 of the Act. In that case, the complaint was at initial stage, therefore, the Hon'ble Division Bench granted the bail. The Hon'ble Division Bench of this Court also reiterated the same law in ***Arun Sharma vs. Union of India and others, 2016(3) RCR (Criminal) 883*** and in ***CRM No.M-42455 of 2016 titled as Harmesh Kumar Gaba vs. Assistant Director, Directorate of Enforcement, decided on 28.02.2017***.

Keeping in view the law laid by the Hon'ble Division Benches

of this Court and in view of the parity, I find merit in the present petition

and the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court.

July 04, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No