

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

CRM-M-3461-2018

Date of Decision: 26.04.2018

Suresh Kumar

...Petitioner

VS.

Naranjan Singh Asstt. Director,
Directorate of Enforcement & Anr.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan**

Present: Ms. GK Mann, Advocate for the petitioner

Ms. Guneet Kaur, Advocate for
Ms. Ranjana Shahi, Advocate for ED

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

SURYA KANT J. (Oral)

(1) The petitioner seeks grant of anticipatory bail in complaint case No.542 of 2016 dated 11.01.2016 filed u/s 45(1) of Prevention of Money Laundering Act, 2002. The allegations pertain to commission of offence u/s 3&4 of the Act.

(2) When this petitioner came up for hearing, following order was passed on 29.01.2018:-

"It is contended, inter-alia, that immovable property owned by the family of petitioner is a residential house which was purchased on 03.07.1970 in the name of his father. The house is located in a village and its value has been exorbitantly assessed by the Directorate of Enforcement. It is further contended that the petitioner was only an employee of M/s Medcare Remedy Pvt. Ltd. Reliance is also placed on a decision of the Hon'ble Supreme Court in Nikesh Tarachand Shah versus Union of India and another (2017-SCC Online SC 1355) to urge that rigors of Section 45 of the Money

Laundering Act, 2002 have since been struck down and as such the petitioner is entitled to concession of pre-arrest bail.

Notice of motion for 30.01.2018.

On our asking, Ms.Gunneet Kaur, Advocate, for Ms.Ranjana Shahi, Advocate, accepts notice on behalf of respondent No.1.

Let two copies of the petition be handed-over to her during the course of day. Reply, if any, be filed meanwhile with an advance copy to opposite counsel.

Meanwhile, on furnishing of bail bonds to the satisfaction of learned Special Judge, the petitioner is directed to be admit to interim bail on the date fixed or prior thereto.”

(3) In pursuance to the above-stated order, the petitioner has already furnished bail bonds to the satisfaction of the learned Special Judge and he has been released on interim bail.

(4) The Enforcement Directorate has filed its reply which is taken on record and perused. It is reiterated in the reply that a case under the PMLA is made out against the petitioner.

(5) Be that as it may, this issue will be gone into by the learned Special Judge while examining the case on merits. Since the petitioner is not required for any custodial interrogation and no useful purpose would be served by keeping him in judicial custody and for the reasons mentioned in the order dated 29.01.2018, the interim order is made absolute but without expressing any views on merits.

(6) Disposed of.

(Surya Kant)
Judge

26.04.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No