

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Criminal Miscellaneous No.M-6025 of 2018 (O&M)

Date of decision : October 25, 2018

Kailash Sardana and another

..... PETITIONERS

VERSUS

**Deputy Director, Directorate of Enforcement, Jalandhar Zonal
Office, Jalandhar.**

..... RESPONDENT

**CORAM : HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**PRESENT: Ms. Gursharan Kaur Mann, Advocate,
for the petitioners.
Ms. Ranjana Shahi, Advocate, for the respondent.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporter or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

...

A.B. CHAUDHARI, J.

Criminal Miscellaneous No.22913 of 2018

The application is allowed subject to all just

exceptions.

Reply is taken on record.

Criminal Miscellaneous No.M- 6025 of 2018

This is a petition filed by petitioners; Kailash Sardana and Rashmi Sardana, for grant of anticipatory bail in Complaint Case bearing COMA No.8 of 2017 dated 12.07.2017 under Section 45(1) of the Prevention of Money Laundering Act, 2002 (for short 'the Act'), for commission of offence under Section 3, punishable under Section 4, of the Act. The aforesaid complaint was filed by the respondent-ED under Section 45(1) of the Act.

By order dated 14.02.2018, this Court granted ad-interim anticipatory bail to the petitioners by placing reliance on the recent decision of the Supreme Court in Nikesh Tarachand Shah vs. Union of India and another, 2017-SCC Online SC 1355.

It is not in dispute that in the said Criminal Complaint case pending before the Special Court, the charges have also been framed against the petitioners and their co-accused. It is in this backdrop that we made a query from the learned counsel appearing for the respondent-ED as to whether the custody of the petitioners is really required and, if yes, why it is required ? However, the respondent-ED has not shown any inclination nor placed on record any material for claiming the custody of the petitioners. Looking to the nature of the complaint which we have seen and the offence alleged, and balancing the interest of both the prosecution as well as the accused, we think there is no reason why the ad-interim order granting anticipatory bail made by this Court on 14.02.2018, should not be made absolute.

In the result, we make interim order dated 14.02.2018 absolute subject to the condition that the petitioners shall appear before the trial Court with promptitude to face the trial and shall surrender their respective passports to the trial Court as a pre-condition for the present order, within a period of 15 days from today.

The petition is, accordingly, disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(A.B. CHAUDHARI)
JUDGE

October 25, 2018
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