

151 (02 Cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-8825-2021
Date of Decision : 01.03.2021

Assistant Director Directorate of Enforcement ...Petitioner

Versus

Ashok SolomonRespondent

2. CRM-M-8827-2021

Assistant Director Directorate of Enforcement ...Petitioner

Versus

Prakash GurbaxaniRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Satya Pal Jain, Addl. Solicitor General with
Mr. Nitesh Rana, Advocate and
Mr. Shobit Phutela, Advocate
for the petitioner.

Mr. Manav Gupta, Advocate and
Mr. Abhinav Gupta, Advocate for the respondent
in CRM-M-8825-2021.

Mr. Randeep Singh Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate and
Ms. Rubina Virmani, Advocate
for the respondent in CRM-M-8827-2021.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video
Conferencing due to Covid-19 pandemic.

2. This order shall dispose of CRM-M Nos.8825 & 8827 of 2021 as the facts and impugned orders are identical. For the sake of convenience facts are being taken from CRM-M No.8825 of 2021.

3. Prayer in the petition under Section 482 Cr.P.C. is for quashing/setting aside order (Annexure P-1) dated 18.02.2021 passed by the learned Sessions Judge-cum-Special Judge, PMLA, Gurugram in case No.ECIR/01/HIU/2019, dated 25.01.2019 and/or stay of the operation of the impugned order dated 18.02.2021 during the pendency of the present petition and/or to stay the final decision on the bail application filed by the respondent during the pendency of the present petition.

4. Learned Addl. Solicitor General assisted by Mr. Nitesh Rana, and Mr. Shobit Phutela, Advocates, counsel for the petitioner contends that the impugned order does not take into account the points raised and the judgments cited.

5. After arguing for some time, learned counsel for the parties are *ad idem* that the impugned order be set aside and case be remitted to the learned Sessions Judge-cum-Special Judge, Gurugram under the *Prevention of Money Laundering Act, 2002* to decide the matter afresh, after taking into account all aspects of the matter, as well as judgments cited by respective counsel for the parties by hearing the case as item No.1 on 02.03.2021 at 10:00 a.m. positively.

6. In view of the joint statement of learned counsel for the parties, the impugned order (Annexure P-1) dated 18.02.2021 is set aside and the matter remitted to the learned Sessions Judge-cum-Special Judge, PMLA, Gurugram to decide the matter afresh after taking into account all aspects of the matter, as well as the judgments cited by respective counsel for the

No.1 on 02.03.2021 at 10:00 a.m. positively, in view of the apprehension expressed by the learned Addl. Solicitor General that in the eventuality of the matter not being decided on 02.03.2021, the prayer for enforcement directorate remand would become infructuous. However, nothing stated hereinabove shall be taken to be an expression of opinion on the merits of the case.

7. Copy of this order duly attested under the signatures of the Bench Secretary be furnished to respective counsel for the parties today itself. Copy of the same be also sent by FAX/TPM/e-mail and *whatsapp* through learned Joint Registrar (Judicial) to the Court of the learned Sessions-cum-Special Judge PMLA, Gurugram today itself for compliance.

8. Petitions stand ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

March 01, 2021

'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>