
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.32850 of 2021 (O&M)
Date of decision:23.08.2021

Pardeep Kumar and others ... Petitioners

Versus

Directorate of Enforcement, Government of India ... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Narender Hooda, Senior Advocate, with
Mr. Manjeet Singh, Advocate, for the applicant-petitioners.

Mr. S.V.Raju, Senior Advocate,
Additional Solicitor General of India, with
Mr. Arvind Moudgil, Senior Counsel, Government of India, with
Mr. Zoheb Hussain, Advocate, for the respondent.

(The proceedings were conducted through video
conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

CM Nos.25835 & 25838 of 2021

Applications are allowed, as prayed for.

Documents marked as Annexures P-9 to P-12 are taken on
record.

CRM-M No.32850 of 2021

Counsel for the petitioners has placed on record the interim order dated 17.08.2021 to point out that the Special Judge, Panchkula had directed the Investigating Officer of the corresponding CBI case to come present in the Court and to bring complete challan in original especially the application form along with the supporting documents of the 14 industrial plot holders, who are accused in this case, on 19.08.2021. It also noticed that this Court

was seized of the matter and that on an earlier occasion, Shri S.V.Raju, Additional Solicitor General of India, had stated that he has instructions that all the necessary documents, required under law, will be supplied to the petitioners herein. It is also pointed out that from the said order that the documents, which had been brought, were not legible documents. It is also admitted that the documents, as such, were supplied on 19.08.2021 in view of the said order. Mr.Raju has submitted that the same was for the purpose to ensure that the documents were duly supplied.

De hors the aforesaid controversy, it is pointed out that co-accused, namely, O.P.Dahiya, had approached the Apex Court in Writ Petition (Crl.) No.303 of 2021 for interim protection, while placing reliance upon an earlier order dated 17.12.2019 passed by the Apex Court in SLP (Crl.) No.10627 of 2019 titled as **“M/s. VGN Developers Pvt. Ltd. & anr. vs. The Deputy Director Directorate of Enforcement”**. The benefit of the interim relief has been granted on the same terms as in **M/s. VGN Developers Pvt. Ltd.'s case (supra)**. The order passed in **M/s. VGN Developers Pvt. Ltd.'s case (supra)** reads as under:-

“We have heard both sides.

Issue notice.

Learned Solicitor General states that in the peculiar facts of this case, further proceedings in the complaint filed by the respondent being CC No.56/2018 pending before the Special Court, Principal Sessions Judge, City Civil Court, Chennai may be stayed.”

Thus, it is apparent that the further proceedings have also been stayed before the Special Judge, Panchkula in view of the above order.

In such circumstances, this Court is of the opinion that the

present petition, as such, has been rendered infructuous since apparently

the basic prayer that till the submission of the final report under Section 173 Cr.P.C. in the case registered vide FIR No.RC ACI 2016A 0002 dated 19.05.2016 under Sections 120-B, 201, 204, 409, 420, 467, 468, 471 IPC and Section 13 of the P.C. Act by Central Bureau of Investigation, the proceedings in case No.ECIR/01/CDZO/2016 dated 05.04.2016 and the consequent Prosecution Complaint No.3 of 2021 (Annexure P-2) cannot continue, has been satisfied.

This was also the objection, as such, raised by petitioner no.5, which would clear from application dated 09.08.2021 (Annexure P-10), now placed on record.

Accordingly, liberty is given to the petitioners to approach this Court afresh after the proceedings of the Apex Court conclude, in case so required. It is made clear that this Court has not observed anything herein on the merits of the issue and the petitioners would be at liberty to raise all the issues as and when and if so required.

August 23, 2021
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(G.S.Sandhawalia)
Judge

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No