

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

CRM-M No.27723 of 2021
Date of decision: March 15th, 2022

Ranjit Singh Kandola alias Raja Kandola

....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Ms. G.K. Mann, Senior Advocate
with Mr. J.S. Virk, Advocate
for the petitioner.

Mr. H.S. Grewal, Additional Advocate General, Punjab.

Mr. Sanjay Vashisth, Senior Panel Counsel
for respondent No.2.

AUGUSTINE GEORGE MASIH, J.

Prayer in this petition is for grant of bail under Section 439 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.') in complaint case COMA No.2 of 2015 dated 21.07.2015 under Section 45 (1) of Prevention of Money Laundering Act, 2002 (hereinafter referred to as 'the PML Act'), titled as Naranjan Singh Versus Ranjit Singh Kandola alias Raja Kandola and others, ECIR/06/JLZO/2012 registered by Enforcement Directorate, Jalandhar, with regard to FIR No.60 dated 01.06..2012 under Section 21 of NDPS Act registered at Police Station Kartarpur, District Jalandhar and FIR No.49 dated 02.06.2012 under Section 21 of NDPS Act registered at Police Station Garhshaknar, District Hoshiarpur, during the pendency of the complaint.

2. Briefly the facts are that the petitioner was arrested in two FIRs i.e. FIR No.60 dated 01.06.2012 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act'),

registered at Police Station Kartarpur, District Jalandhar, and FIR No.49 dated 02.06.2012 under Section 21 of the NDPS Act registered at Police Station Garhshankar, District Hoshiarpur. As the offences under Sections 21 and 29 of the NDPS Act are scheduled offences under the PML Act, the Enforcement Directorate registered a case vide ECIR/06/JLZO/2012 on the basis of these FIRs. Copy of the complaint is appended as Annexure P-1. Apart from the above two FIRs, four other FIRs were also registered i.e. FIR No.50 dated 03.06.2012 at Police Station Garhshankar, FIR No.38 dated 08.06.201 at Police Station Chabbewal, FIR No.55 dated 08.06.2012 at Police Station Mehtiana and FIR No.56 dated 08.06.2012 at Police Station Mehtiana. The recoveries which have been effected from the accused in these FIRs are as follows:-

Sr. No.	Name of Accused	F.I.R. No.	Recovery made
1	Ranjit Singh @ Raja Kandola (From the residence of Harkanwaljit Singh @ Roopa)	60/2012, Police Station Kartarpur	200 gm Heroin, 1 Kg 200 gm Heroin, one 12 Bore gun made in U.S.A., Documents of immovable properties, Honda City car No.DL-3P-AQ-3000, 20 gm Heroine from his farm house, Chemicals
2	Nishan Singh @ Tony	60/2012, Police Station Kartarpur	250 gm Heroin, Altis Toyota car No. PB-13-AB-9999, Laptop, Mobile Phone and Red Beacon
3	Smt. Rajwant Kaur W/o Ranjit Singh Kandola	60/2012, Police Station Kartarpur	a) 1 Kg. Heroin on 15.06.2012 (jointy with Bally Singh) b) Range Rover Car No.NL-04-0001; Mercedes CH-03Y-0999 & c) BMW No. DL-2CQ-3300 on 13.06.2012 (jointly with Bally Singh)
4	Bally Singh S/o Ranjit Singh @ Raja Kandola	60/2012, Police Station Kartarpur	a) 1 Kg. Heroin on 15.06.2012 (jointy with Rajwant Kaur) b) BMW No. DL-2CQ-3300 on 13.06.2012 (jointly with Rajwant Kaur) c) Range Rover DL-3C-AY-7922
5	Recoveries from the bedroom situated in the lower portion of the	60/2012, Police Station Kartarpur	i) 12 Cans of Triple Deionized water (Extra Pure) – Each 5/5 Litres.

	Kothi at Kandola Farm House of Ranjit Singh Kandola at Samrala. (In the presence of Rukh Bahadur S/o Jang Bahadur, Servant of Raja Kandola)		ii) 4 Cans of Mathanoil-LR Alcohol – 250/250 gms. Each iii) 2 Cans of Sulphuric Acid- Each 5/5 Litres iv) One bottle of Diethyl Ether-LRC C4H10)- 2.5 Ltr. v) One bottle of Dimethyl – 2 Ltr. vi) One Plastic Box of Sodium Chloride Powder-5Kg. vii) Four Boxes of Calcium Chloride- LR-500-500 Gms. viii) Four Boxes of Calcium Chloride – LR-500-500 Gms. ix) 10 Boxes of Magnisium Sulphate ..lotahydrate 500-500 gms. Each x) 10 Boxes of Amonium Solution ammonia hydroid - 500-500 gms. each xi) Seven Boxes of Red Phasphors 250-250 gms. Each xii) Two boxes of Charcoal activated powder 250-250 gms. Each xiii) One box of ammonium chloride-500 gms. Xiv) One bottle of Propane - 201- Extra pure-2.5 Ltr. xv) One bottle of Glass-bcads No.2500 (filled) xvi) One Electronic Machine Potanj-Shaker xvii) Three Piece of electroonic magnetci scissors with hot plate. xviii) Eleven boxes of PW-1 to 14 indiater paper. xix) One plastic gloves xx) Different types of laboratory goods xxi) Three medical coats (Aprons) xxii) Polythene envelope containing heroin out of which 5/5 gms. Taken out as sample and rest of the heroin weighed at 10 gms. Put in the three plastic boxes which were sealed.
6	Gurinder Singh S/o Harbhajan Singh	60/2012, Police Station Kartarpur	One Pistol 7.65 Made in China, 260 gm Heroin
7	Sukhwinder Singh @ Sukha S/o Jarnail Singh	60/2012, Police Station Kartarpur	One Pistol 7.65, 270 260 gm Heroin, Bolero Car PB-32-A-1313

8	Jaswinder Singh @ Billa S/o	60/2012, Police Station Kartarpur	50 gm Heroin
9	Amandeep Singh Cheema S/o Bhagwant Singh	60/2012, Police Station Kartarpur	50 gram Ice drug, 20 Kg intoxicant powder from I 20 car No. PB-65N-8294
10	Harjinder Singh @ Rajinder Singh @ Jinder S/o Balbir Singh	60/2012, Police Station Kartarpur	50 gram Ice drug,
11	Sukhwinder Singh @ Laddu S/o Balbir Singh	60/2012, Police Station Kartarpur	100 gm Heroin, 10 Ice Methamphetamine from his residence
12	Harkanwaljit Singh @ Harpinder Singh @ Roopa S/o Resham Singh	60/2012, Police Station Kartarpur	100 gm Heroin, 14 Metamphetamine from Indica PB-32K-1820
13	Harkanwaljit Singh @ Harpinder Singh @ Roopa S/o Resham Singh	49/2012, Police Station Garhshankar, Distt. Hoshiarpur	100 gm Heroin, 14 Intoxicant powder from Indica car
14	Amandeep Singh Cheema S/o Bhagwant Singh	49/2012, Police Station Garhshankar, Distt. Hoshiarpur	50 gm Ice drug, 20 Kg intoxicant powder from I 20 car
15	Harjinder Singh @ Rajinder Singh @ Jinder S/o Balbir Singh	49/2012, Police Station Garhshankar, Distt. Hoshiarpur	50 gram Ice
16	Sukhwinder Singh @ Laddu S/o Balbir Singh	49/2012, Police Station Garhshankar, Distt. Hoshiarpur	100 gm Heroin, 19 Kg Ephedrine from his residence
17	Vanya Khanna D/o Anand Parkash Khanna	50/2012, Police Station Garhshankar	2 Kg. Heroin
18	Shweta Arora D/o Krishan Kumar Arora	38/2012, Police Station, Chabbewal, Disst-Hoshiarpur	250 Gm Heroin
19	Surinder Kaur @ Chhindo W/o Balbir Singh	55/2012, PS Mantiana, Disst-Hoshiarpur	250 Gm Heroin
20	Manjinder Singh @ Raju S/o Balbir Singh	56/2012, PS Mantiana, Disst-Hoshiarpur	250 Gm Heroin

3. Disclosures, which have been made by the accused persons on the basis of the statements, indicate large number of properties which have been purchased from drug money as per the allegations.

Petitioner Ranjit Singh Kandola, who is stated to be the mastermind, in his statement recorded has disclosed that he had purchased 9.5 acres of agricultural land in Samrala in the year 2009 for an amount of ₹2 crores, 91 marlas

of land at NRI Enclave, Banga for ₹39 lakh and another 5 acres agricultural land in Village Happowal. He has stated that he was not having any business in India and did not file any income tax so far. He has further stated that his wife Rajwant Kaur Virk also purchased a Hotel Sky Blue in Ropar for ₹3,25,00,000/- and House No.D-5/5, DLF Phase-1, Gurgaon, for ₹50 lakh. He owns various expensive vehicles as detailed in para 3 of the complaint. From the revenue record, it comes out that accused Ranjit Singh Kandola and his wife Rajwant Kaur Virk own properties as detailed in table 8 and 13 respectively. His son also owns agricultural land measuring 15 *kanals* and 9 *marlas* in Village Jindowal, Banga, which he has purchased for a sum of ₹67,60,000/- on 06.01.2012. Bank statement of the parents of the petitioner reveal that there are heavy transactions in those bank accounts, which could not be accounted for. All this money has been generated from illegal activities i.e. running of the drug racket and the investigation shows that the accused had indulged in money laundering by investing/utilizing huge amount of money so generated. An application was filed by the petitioner for grant of regular bail before the trial Court, which has been dismissed by the Judge, Special Court under PML Act, Jalandhar, vide order dated 01.06.2021 (Annexure P-9).

4. It is the contention of learned senior counsel for the petitioner that the petitioner has been falsely implicated in the case and it is all a concocted story. In both the FIRs i.e. FIR No.60 and FIR No.49, petitioner has been granted regular bail. She submits that the son and the wife of the petitioner have already been granted the benefit of bail by this Court and, therefore, the petitioner also deserves the same benefit keeping in view the long custody period of the petitioner. Her assertions is that the petitioner is in custody since 01.06.2012, with the trial not proceeding because of the stay granted by the Hon'ble Supreme Court on a challenge to the proceedings by one of the co-accused of the petitioner namely

Amanpreet Singh Gandhi alias Juggu resulting in the trial being stalled and

unnecessary incarceration of the petitioner. Continuation of the petitioner in custody is not serving any purpose. Liberty of the petitioner is being curtailed for no fault of his and he is being deprived of enjoyment of his freedom because of the unsubstantiated allegations against the petitioner. Learned senior counsel for the petitioner has referred to the provisions of Section 436-A of the Cr.P.C. to contend that the petitioner has completed more than half of the maximum period of imprisonment specified for the offence under the law and, therefore, is entitled to the grant of benefit of bail. She contends that the maximum punishment for the offences for which the petitioner is being tried would be ten years and since the petitioner has almost completed the said period, he be granted the benefit of bail during the pendency of the complaint, especially when the trial stands stayed by the Supreme Court.

5. On the other hand, learned counsel for the State of Punjab has opposed the prayer made in this petition by asserting that the investigation, which has been carried out by the agency, has revealed that the proceeds of crime generated from criminal activities were being laundered by placing it in his own name and the family members which reveals an unlawful source of income in the form of movable and immovable properties. The trial is in progress in the other cases, where FIRs have been registered. In the light of the fact that the petitioner is an influential person with resources, there is every possibility of the petitioner, if enlarged on bail, trying to evade the judicial proceedings thus stalling the trial as a whole. He may not even surrender before the Court and put in appearance on the dates as may be fixed by the Court. Petitioner, on the basis of the allegations and the investigation, has been found to be engaging in smuggling/trade of narcotic drugs and proceeds of such criminal activities ultimately end up being linked to other heinous activities across the country. There have been instances where similarly placed persons, who have been enlarged on bail, have fled the country by

abusing the process of law. Petitioner is also likely to tamper with and influence the evidence in Court when produced.

6. We have considered the submissions made by the counsel for the parties and with their assistance, have gone through the pleadings and the records but do not find any ground to accept the prayer for grant of bail during the pendency of the complaint, as prayed for.

7. There are serious allegations against the petitioner where he is not only involved in the cases under the NDPS Act, which includes the scheduled offences as mentioned in the PML Act leading to the filing of the present complaint, the recovery and the disclosures which have been made by the petitioner and the other co-accused points to the same. The allegations against the petitioner are quite serious and, therefore, keeping in view the gravity of the offence as mentioned in the earlier part of the order, the petitioner cannot be said to be entitled to the grant of bail. The details are not being gone into and reasons not elaborated purposely lest any observation made herein would prejudice the trial which is pending against the petitioner and the other co-accused.

8. As regards the prayer of learned senior counsel for the petitioner qua the provisions of Section 436-A of Cr.P.C. is concerned, suffice it to say that the proviso thereto does not make it as an absolute right for releasing an accused on bail merely on completion of half of the maximum period of imprisonment specified for the offence for which he is being tried. It is the satisfaction of the Court which plays the vital role. Continuance of the detention of such a person for period longer than one half of the period is permissible in law. The reasons which have been assigned by the trial Court for not granting the petitioner the benefit of said provision and denying him bail are fully justified and we are in agreement with the same as there is every possibility of tampering with the prosecution

evidence by the petitioner, with an apprehension of absconding from the proceedings in case of his release on bail.

9. In view of the above, the present petition for grant of regular bail stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 15th, 2022
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No