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

**CRM-M-28035 of 2022 (O&M)
Date of Decision: 24.08.2022**

Anju Bhalla **...Petitioner**

Versus

State of Haryana

With **CRM-M-28221 of 2022 (O&M)** **...Respondent**

Anjali Bhalla **...Petitioner**

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Anand Chhibber, Sr. Advocate with
Mr. Anil Mehta, Advocate
For the petitioners.**

Ms. Harpreet Kaur, AAG Haryana.

KARAMJIT SINGH, J.

Both the above-referred petitions are being disposed of by this common order passed in CRM-M-28035 of 2022 as in both the petitions filed under Section 439 Cr.P.C., the petitioners have sought regular bail in case having FIR No. 252 dated 31.05.2022, registered under Sections 3 and 4 of Prevention of Money Laundering Act (for brevity, PMLA), under Section 25 of Arms Act and Section 18 of Narcotic Drugs and Psychotropic Substance Act (for short, NDPS Act) at Police Station Sector-5, Panchkula.

The Senior counsel for the petitioner has submitted that petitioner Anju Bhalla aged about 60 years is wife of Anil Bhalla, while petitioner Anjali aged about 30 years is wife of Sahil Bhalla son of Anil Bhalla. The Senior counsel has further submitted that the entire family of Anil Bhalla including both the petitioners, has been falsely implicated in the present case at the instance of Sanjeev Garg who was business partner of Anil Bhalla and now they are having strained relations due to business dispute. The Senior counsel has further submitted that as per the prosecution version both the petitioners and Gaurav Pahwa (brother of petitioner Anjali) were apprehended by the police on 31.05.2022 while they were present in the car parking area of ICICI Bank Branch Sector-2, Panchkula. The Senior counsel for the petitioner has further submitted that as per the allegations appearing on the record, at that time cash worth Rs. 2 crores, 432 grams of opium and one country made pistol with one empty magazine was recovered from the possession of petitioner Anju Bhalla, while amount worth Rs.88 lakhs, 265 grams of opium and one country made pistol with magazine having five live cartridges, one another magazine with six live cartridges, were recovered from petitioner Anjali and cash worth Rs. 1,75,000,00/- was recovered from Gaurav Pahwa. The Senior counsel for the petitioner has further submitted that Gaurav Pahwa has already been granted regular bail by the Court of Additional Sessions Judge, Panchkula vide order dated 13.06.2022. The Senior counsel has further submitted that the offences under Sections 3 and 4 of PMLA have been dropped in the present case against the accused persons. The Senior counsel has further submitted that the aforesaid recoveries have been falsely planted on the accused persons including both

the petitioners and it is highly improbable that the ladies of such a respectable family were carrying opium and country made pistols with them. The Senior counsel has further submitted that the business of the family is being run by Anil Bhalla and not by the petitioners and as such the entire prosecution story seems to be improbable and unnatural.

The Senior counsel has further submitted that both the petitioners are in custody since 31.05.2022 and after completion of investigation the police has presented the challan in the Court concerned. In these circumstances there is no necessity to keep the petitioners in judicial custody for any longer period.

The preset petition is opposed by the State counsel who has filed reply by way of an affidavit of Surender Singh, Assistant Commissioner of Police, Panchkula on behalf of the State and the same is ordered to be taken on record. The State counsel has further submitted that the police received information that the cash collected by Anil Bhalla by committing fraud against Sanjeev Garg and other persons was stashed by the accused persons in ICICI Bank Branch Sector 2 Panchkula and on 31.05.2022 both the petitioners and Gaurav Pahwa had gone to withdraw the said cash from the bank. On the basis of the said information the police raided the disclosed spot and cash worth Rs.2 crores, 432 grams of opium and one country made pistol along with an empty magazine were recovered from the possession of petitioner Anju Bhalla. Large amount of jewellery was also recovered from petitioner Anju Bhalla. Cash worth Rs.88 lakhs, 265 grams of opium, one country made pistol, one magazine having 5 live rounds and one spare magazine having six live rounds were recovered from

the possession of petitioner Anjali Bhalla and cash worth Rs.1.75 crores was recovered from accused Gaurav Pahwa and the petitioners and Gaurav Pahwa failed to account for the aforesaid cash and other articles which were recovered from their possession. The State counsel has further submitted that the aforesaid three accused were arrested at the spot on 31.05.2022. However, the State counsel has not disputed the fact that after completion of investigation the challan has been presented against all the accused including both the petitioners and that Gaurav Pahwa has been granted concession of regular bail by the Court of Additional Sessions Judge, Panchkula. The State counsel has also not refuted the fact that offences under Sections 3 and 4 of PMLA have been dropped, but at the same time the State counsel apprised the Court that Memo No. 965-66 ACP-3 PKL dated 31.05.2022 has already been forwarded to Directorate of Enforcement, Chandigarh with regard to the recovery of aforesaid cash amount, firearms and contraband.

I have considered the rival submissions made by learned counsel for the parties.

The FIR in the present case was registered on 31.05.2022 under Sections 3 and 4 of PMLA, Section 25 of Arms Act and under Section 18 of NDPS Act. As per the reply submitted on behalf of the State, offences punishable under Sections 3 and 4 of PMLA have been deleted upon the verification by Surender Singh, HPS, ACP-III, Panchkula. So, now the FIR in question is with regard to Section 25 of Arms Act and Section 18 of NDPS Act.

As per the allegations appearing on record 432 grams of opium was recovered from the possession of petitioner Anju Bhalla while 265

grams of opium was recovered from the petitioner Anjali Bhalla. The aforesaid quantity of opium comes under non-commercial quantity of contraband and thus the embargo provided in Section 37 of the NDPS Act is not applicable to the instant case. All the recoveries have already been effected in this case and after completion of investigation police has presented the challan but charges are yet to be framed. It will take considerable time for the trial to conclude, after the framing of charges. Co-accused Gaurav Pahwa who was apprehended at the spot along with both the petitioners and from whom cash worth Rs.1.75 crores was recovered, has been granted concession of regular bail by the Court of Additional Sessions Judge, Panchkula vide order dated 13.06.2022. Even co-accused Sahil Bhalla has been given benefit of regular bail by the Court of Additional Sessions Judge, Panchkula vide order dated 06.07.2022. Both the petitioners who are ladies are in custody since 31.05.2022.

In the light of the above, this Court is of the view that no purpose is going to be served by prolonging the judicial incarceration of both the petitioners for any further period. Consequently, both the petitions are allowed and the petitioners namely Anju Bhalla and Anjali Bhalla are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned. The petitioners shall not influence the witnesses and not to tamper the evidence in any manner and are not to leave the country without the prior permission of the Court concerned.

However, any observations made hereinabove are not to be considered as expression of opinion on the merits of the case. Further, this

order will not prejudice any proceedings initiated by the Income Tax Department or Directorate of Enforcement with regard to the recoveries stated to have been effected in the present case.

24.08.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No