

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8112 of 2020(O&M)

Date of Decision: 01.02.2024

Chunni Lal Gaba

.....Petitioner

Vs

Assistant Director, Directorate of Enforcement, Government of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Ms. Hargun Sandhu, Advocate for the petitioner.

Mr. Shahil Rangra, Advocate for
Mr. Arvind Moudgil, Sr. Counsel,
Government of India, for respondent-ED.

Mr. Arjun Sheoran, DAG, Punjab.

G.S.SANDHAWALIA, J.(Oral)

[1]. Petitioner seeks release on bail in complaint case No.COMA 13 of 2017 dated 01.07.2017 arising out of ECIR/02/JLZO/2013 dated 22.01.2016 registered under Sections 3/4 of the Prevention of Money Laundering Act, 2002 by the Directorate of Enforcement, Zonal Office Jalandhar.

[2]. It is contended that the petitioner was 73 years of age at the time of filing the bail application on 20.02.2020 and would be now almost 77 years of age. It has also been averred that he is suffering from various age related ailments including coronary heart disease and having severe chest pain. He is also having two stents in his clogged arteries.

[3]. The bail as such was denied on 11.02.2020 by the Special Judge, CBI, SAS Nagar, Mohali on the ground that the petitioner had evaded the

appearance in the Court and due to the said reason, there was a delay in trial for a period of 5 years and charges could not be framed and therefore, he was trying to stall the proceedings.

[4]. Co-ordinate Bench of this Court on 16.07.2021 noticed that an affidavit had been filed and the petitioner being the senior citizen was cooperating during the course of investigation and neither he was arrested nor his production warrants were sought while he was in custody in the predicate offence case. Resultantly, he was enlarged on interim bail subject to the following conditions:-

(i) Petitioner shall appear before the trial Court on 27.07.2021 as undertaken by Mr. Chaudhri before the court today;

(ii) He shall surrender his passport before the trial court within a week from today;

(iii) He shall visit the local police station at least once in a fortnight;

The trial court shall be at liberty to impose any other condition as it deems fit in the facts and circumstances of the case.

[5]. The interim order has continued since then. The respondent filed an application as such that the petitioner was not adhering to the terms of the interim bail and had not put an appearance to the local police station since 04.05.2022. The custody certificate dated 01.05.2023 has shown that the petitioner has undergone 1 year, 2 months and 22 days of detention.

[6]. In the reply filed by the petitioner to the application filed by the Enforcement Agency, the details of appearance before the SHO, Police Station Goraya have been mentioned, which read as under:-

SR NO	DATES
1.	2.08.2021
2.	13.08.2021
3.	27.08.2021
4.	26.10.2021
5.	9.11.2021
6.	23.11.2021
7.	7.12.2021
8.	21.12.2021
9.	5.01.2022
10.	19.01.2022
11.	6.02.2022
12.	21.02.2022
13.	7.03.2022
14.	21.03.2022
15.	5.04.2022
16.	19.04.2022
17.	4.05.2022.

[7]. Apart from that, it has been mentioned that the petitioner had put an appearance on the following dates also:-

1.	27.07.2022
2.	11.08.2022
3.	26.08.2022
4.	10.9.2022
5.	24.9.2022
6.	11.10.2022
7.	25.10.2022
8.	10.11.2022
9.	7.1.2023
10.	23.1.2023

11.	6.2.2023
12.	20.2.2023
13.	7.3.2023

[8]. Reference has been made to the various diseases he is suffering from and it has also been mentioned that he could not appear on certain dates in the month of November and December on account of his ill-health and intended to comply with the order of this Court in letter and spirit and sought condonation of such lapses by adopting a humane and compassionate approach.

[9]. Perusal of the order rejecting the bail would go on to show that in one of the FIR bearing No.92/2013 of Police Station Passiana under the NDPS Act, he faced trial for six years and was acquitted on 13.02.2019.

[10]. Learned counsel for the petitioner has submitted that in the complaint, reference of FIR No.69/2013, Police Station Fathegarh Sahib has been made, in which, he is not named. It is also pointed out that the present case is still at the stage of prosecution evidence. Reliance is also placed upon the last order dated 23.01.2024, whereby the petitioner had put an appearance before the trial Court and his presence was duly recorded.

[11]. Keeping in view the fact that the petitioner has been on interim bail for over two and half years and as noticed from the above table that he is regularly appearing before the local police station and adhering to the terms of the order dated 16.07.2021, the fact that the case is at the initial stage and on account of the fact that he is senior citizen and now in his late 70's, no useful purpose would be served in keeping this matter pending. We accordingly dispose of the present petition by confirming the interim bail and by modifying the order to the extent that the petitioner shall appear

before the said SHO on 15th of every month, apart from putting his appearance before the trial Court where he is stated to be regularly appearing. In case, there is any violation, it is open to the respondent-agency to file an appropriate application for cancellation of relief so granted.

[12]. Petition is accordingly disposed of.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

01.02.2024
Prince
Whether speaking/reasoned Yes/No
Whether reportable Yes/No