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

CRM-M-25068-2024 (O&M)

Date of decision: 29.05.2024

Directorate of Enforcement

...Petitioner

Versus

Sikandar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Zoheb Hossain, Special Counsel
(Through Video Conferencing) and
Mr. Lokesh Narang, Sr. Panel Counsel and
Mr. Manish Jain, Advocate for the petitioner-ED.

Mr. Ashok Aggarwal, Sr. Advocate with
Mr. Mukul Aggarwal, Advocate and
Mr. Shrenik Jain, Advocate and
Mr. Amit Aggarwal, Advocate and
Mr. Haripal, Advocate and
Mr. Manuj Chadha, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This petition has been filed by the petitioner-Directorate of Enforcement for setting aside the order dated 09.05.2024 (Annexure P-2) vide which the prayer of Enforcement Directorate for giving further custody to the Enforcement Directorate has not been granted and the petitioner has been remanded to judicial custody for 14 days.

2. CRM-M-22478-2024 has been filed by Sikandar Singh challenging the orders dated 01.05.2024 (Annexures P-22 and P-23) passed



by the Special Judge, Gurugram and all the subsequent proceedings thereto. Further prayer has been made in the said petition for challenging the order dated 29.04.2024 (Annexure P-17) passed by the Special Judge, Gurugram. In the said petition, an application bearing No.CRM-24284-2024 has been filed by Sikandar Singh for amendment of the said petition to challenge the grounds of arrest dated 30.04.2024 (Annexure P-18), arrest order dated 30.04.2024 (Annexure P-19) and arrest memo dated 30.04.2024 (Annexure P-20) in addition to the orders which were already under challenge. The said CRM-24284-2024 was listed today and notice in the said application has been issued for 31.05.2024.

3. Learned Senior Counsel for the respondent has submitted that the petition filed by the respondent i.e. CRM-M-22478-2024 is required to be adjudicated first inasmuch as in case the said petition is allowed and the arrest of the petitioner and the orders granting custody to Enforcement Directorate are set aside then the present subsequent petition i.e. CRM-M-25068-2024 in which challenge is to the subsequent order dated 09.05.2024 passed by the Special Judge, would be rendered infructuous.

4. Learned counsel for the petitioner-ED has submitted that the right of the Directorate of Enforcement to seek further ED custody of the petitioner would lapse on 29.06.2024. It is submitted that since after 31.05.2024, the summer vacations are ensuing thus, in the peculiar facts and circumstances of this case and without prejudicing the rights of the petitioner and also without the present order being treated as a precedent, the petitioner be permitted to withdraw the present petition with liberty to file an application before the Special Judge for recording the statement of



the respondent in judicial custody. It is further prayed that in case any such application is moved, the Special Judge be requested to decide the same as expeditiously as possible. It is further prayed that the observations made in the impugned order dated 09.05.2024 be not relied upon by either of the parties in further proceedings.

5. Keeping in view the limited prayer made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with liberty to the petitioner-ED to file an application before the Special Judge for recording the statement of the respondent in the judicial custody in jail, which application if so filed, the Special Judge is requested to decide the same in accordance with law as expeditiously as possible.

6. It is made clear that withdrawal of the present petition in the peculiar facts and circumstances of the present case which have been indicated hereinabove would not be treated as a precedent and shall not in any manner prejudice the rights of both the parties and the observations made in the impugned order would not be relied upon by the parties in further proceedings.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

29.05.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No