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

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CRM-M-5089-2025

Date of Decision: 17.03.2025

Rajdeep Singh Nagra

...Petitioner(s)

Versus

Directorate of Enforcement, Government of India, Jalandhar Zonal Office

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R.S. Cheema, Senior Advocate with
Mr. Siddharth Bhukkal, Advocate for the petitioner

Ms. Promila Nain, Senior Panel Counsel, Union of India, assisted
by Ms. Harveen Mehta, Advocate, for the respondent

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in case bearing no.COMA 24/2024 dated 26.09.2024 filed under Section 5 (5) of the Prevention of Money Laundering Act, 2002 (for short, 'PMLA'), titled *Directorate of Enforcement v. Bharat Bhushan Sharma alias Ashu and others* (ECIR/JLZO/16/2022) under Section 3 read with Sections 44 and 45 of PMLA for commission of offence of money laundering as defined under Section 3 read with Section 70 punishable under Section 4 of the Act, registered by Enforcement Directorate, Jalandhar Zone.

2. The aforementioned case under PMLA arising out of; (i) FIR No.11 dated 16.08.2022, registered under Sections 409, 420, 467, 468, 471, 201 and 120-B of Indian Penal Code, 1860, (for short, 'IPC') and Sections 7, 7-A,



8, 12 and 13(2) of Prevention of Corruption Act, 1988, as amended vide Amendment Act, 2018 (for short, 'PC Act') at Police Station, Vigilance Bureau, District Ludhiana and; and (ii) FIR No.18 dated 22.09.2022, registered under Sections 409, 420, 467, 468, 471, and 120-B of IPC and Sections 7, 8, 12 and 13(2) of PC Act at Police Station, Vigilance Bureau, District Jalandhar.

3. As per allegations in the FIRs, the then Minister of Food, Civil Supplies & Consumer Affairs, Government of Punjab, Bharat Bhushan Sharma *alias* Ashu, made certain changes in 'The Punjab Foodgrains Labour & Cartage Policy 2020-2021' (for short, 'the Policy'). In the previous Policy there was no clause prescribing 'minimum turnover' to take part in the bidding process. The changed Policy, included such a prescribing 'minimum turnover' of the cartage work of Government agencies in any one financial year out of previous three years from 2017 to 2020. This resulted in fresh participants being declared ineligible for the bidding process, and the contracts being awarded to certain favourites of the Minister at huge loss to the public exchequer.

3.1. The allegations against the petitioner herein are that he acted as conduit between the Minister/Bharat Bhushan Sharma/accused 1, and Deputy Director, Food & Civil Supplies/Rakesh Kumar Singla/accused 3. He collected bribes from the contractors, various government officials and handed it to the aforementioned two accused. He was also owner and controller of the tenders allotted to M/s B.K. and Company. He generated proceeds of crime amounting ₹1,78,01,728 from commission of payments made to the aforementioned two accused, and another officials.

4. The only argument raised by learned senior counsel is that primary accused in the case, the Minister/accused 1, has already been admitted to bail



by this Court vide order dated 20.12.2024 passed in CRM-M-53947-2024 titled *Bharat Bhushan Sharma alias Ashu v. State of Punjab*, by observing as under:

6.4 Apart that, petitioner is in custody in the present complaint case since 01.08.2024; after completion of investigation qua petitioner, complaint was filed against 29 accused by the E.D on 26.09.2024, but charges are yet to be considered by learned Special Court.

4.1. Learned senior counsel further contends that as per the respondent/Enforcement Directorate, the role attributed to the petitioner is that he acted as a conduit between the Minister and the government officials. He is in custody since 04.09.2024, and has already undergone about six months and twelve days of incarceration. The trial has not yet commenced, as the case is still to be considered for framing of charge by the Special Court; total sixty-four witnesses to be examined during trial. There are twenty-nine accused in the case and only two arrests have made, including that of the petitioner, and the Minister/accused 1 has been granted bail by this Court vide order dated 20.12.2024 after undergoing custody of four months and nineteen days. As per allegations, the Minister generated proceeds of crime amounting ₹6,82,09,750, whereas the petitioner ₹1,78,01,728. Accordingly, he is entitled to bail on parity as well.

5. *Per contra*, learned counsel for the respondent opposes the prayer by submitting that allegations against the petitioner are serious and enough material that has come to light during the inquiries to establish the offences against him. It has also been gathered that the petitioner in connivance with accused 3/ Rakesh Kumar Singla got allotted the tender of labour and cartage of Khanna, and was authorised to manage the bank accounts of M/s B.K &



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Company which appeared to be a bogus entity incorporated in the name of dummy person. She however, does not dispute that the petitioner is in custody since 04.09.2024, and the accused 1 has been granted bail after undergoing custody of about four months and nineteen days, and that the trial is still to commence.

6. Submissions made by learned counsel for the parties have been considered.

7. Apparently, the trial of the case will take some time to conclude, as there are sixty-four witnesses to be examined and the matter is still to be considered for framing of charge. The petitioner has already undergone about six months and twelve days of incarceration. Under similar circumstances, this Court has already granted bail to the primary accused, Bharat Bhushan Sharma *alias* Ashu, vide order dated 20.12.2024. Confining the petitioner to custody any longer awaiting conclusion of the trial will be violative of his Fundamental Right to liberty under Article 21 of the Constitution.

8. In view thereof, the petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Special Court/Duty Magistrate concerned.

9. Pending application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

17.03.2025

Payal

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*