



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-20580-2025(O&M)

Decided On: 16.05.2025

VIKAS KUMAR CHHOKER

....PETITIONER(s)

Versus

DIRECTOR OF ENFORCEMENT

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vikram Chaudhri, Senior Advocate
(Through Video Conferencing) with
Ms. Hargun Sandhu, Advocate and
Ms. Divya, Advocate for the petitioner.

Mr. Zoheb Hossain, Special Counsel
(Through Video Conferencing) with
Mr. Lokesh Narang, Senior Panel Counsel and
Mr. Shubhleen Dhariwal, Advocate
for the respondent.

TRIBHUVAN DAHIYAJ.(Oral)

The petition has been filed, *inter alia*, to set aside orders dated 09.01.2025, Annexure P-27, 24.01.2025, Annexure P-28, and 19.03.2025, Annexure P-30, passed by learned Special Judge (PMLA), Gurugram, in the matter arising out of the ECIR No. ECIR/GNZO/20/2021 bearing CRM No.627-2024 titled *Directorate of Enforcement v. Dharam Singh Chokker*, and COMA 9/2024 titled as *Directorate of Enforcement v. Sikander Singh*. Vide the impugned orders learned Judge has proceeded to issue open ended non-bailable warrants against the petitioner, and initiated proclamation proceedings as well.

2. Learned Senior counsel for the petitioner has contended that the impugned orders are not sustainable being in violation of the mandatory



requirements under Section 19(1) of the Prevention of Money Laundering Act, 2002 (PMLA). Besides, no arrest warrants can be issued by a Court in aid of investigation as has been done in the instant case; the orders are, therefore, without jurisdiction. Further, there was no material before the PMLA Court to issue the arrest warrants as the petitioner had joined investigation of the case atleast seven times, and as per the settled law the alleged non-cooperation by him cannot be a ground to order his arrest. Also, the directions issued by this Court, vide judgment dated 23.10.2024, in CWP-25140-2024 titled *Virender Singh v. State of Haryana and another*, relied upon by the Court in issuing non-bailable warrants, do not pertain to the petitioner as the same have been issued against a co-accused. However, learned senior counsel contends that at this stage the petitioner may be permitted to withdraw the petition with liberty to approach the PMLA Court seeking cancellation of his warrants of arrest by moving application under Section 70 (2) Cr.P.C. and taking all the pleas raised herein.

3. Learned counsel for the respondent has vehemently opposed the prayer, on the ground that the Division Bench has already declined the petitioner's prayer to quash the ECIR and restrain coercive action against him, vide judgment dated 26.02.2024, rendered in CRM-M-51250-2023 titled *Sikandar Singh v. Directorate of Enforcement and another*; SLP against the same has also been dismissed by the Supreme Court. Allowing the petitioner to withdraw the petition and approach the PMLA Court again, would therefore not be permissible. He has further submitted that provisions of Section 19 of the PMLA are not attracted at this stage, as the procedure laid down is required to be followed only when the arrest has been made by the



authorised officer. And the Court has the power and jurisdiction to issue arrest warrants after application of judicial mind to the facts of a case.

4. Heard the arguments.

5. It goes without saying that the petitioner is *dominus litis*, and has the right to choose the Court of jurisdiction, as also to decide whether to proceed with the case. Undoubtedly, the right is not absolute, and that is the reason permission has been sought to withdraw the present petition at this stage with liberty to approach the PMLA Court for taking all the pleas raised herein. Before granting the permission, this Court is required to ascertain whether it is *bona fide* and not to the respondent's prejudice.

6. The ground to oppose the prayer, as canvassed by learned counsel for the respondent, is flawed as the judgment in *Sikandar Singh* case (*supra*) cannot hinder the petitioner approaching the PMLA Court seeking recall of the impugned orders issued subsequently by referring to another judgment of this Court in *Virender Singh* case (*supra*) also. Besides, it is not in dispute that before filing the instant petition the petitioner has not sought recall of the arrest warrants despite the remedy being available. Also, the permission to withdraw the petition will not cause any prejudice to the respondent as it will be open for it to take all the objections before the trial Court.

7. Consequently, without expressing any opinion on merits of the case, the petition is dismissed as withdrawn with liberty prayed for. Needless to say, the observations made hereinbefore are only for the purpose of deciding the issue raised here, and will have no bearing on the application, if any, filed by the petitioner before the PMLA Court which will be decided on its own merits in accordance with law.



8. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

16.05.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>