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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 307/2016 & CRL.M.A. Nos.1671/2016(stay),
5393/2016 (direction)**

GURUCHARAN SINGH Petitioner
Through : Mr. Vikram Chaudhari, Sr. Adv. with
Mr. Raktim Gogoi, Mr. Akshay
Chandra, Mr. Harshit Sethi and
Mr. Rishi Sehgal, Advs.

versus

UNION OF INDIA & ORS Respondents
Through : Mr. Sanjay Jain, ASG with Mr.
Sanjeev Narula, CGSC for UOI with
Mr. Krishanu Barua, Mr. Kunal Dutt,
Ms. Shreya Sinha, Mr. Sumit Misra
and Mr. Ajay Kalra, Advs.

+ **W.P.(CRL) 450/2016 & CRL.M.A. Nos. 2448/2016 (Stay)**

SANJAY AGGARWAL Petitioner
Through : Mr. Naveen Malhota, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through : Mr. Sanjay Jain, ASG with
Mr. Jasmeet Singh, CGSC for UOI
with Ms. Nishtha Kishore, Advs.

+ **W.P.(CRL) 451/2016 & CRL.M.A. Nos. 2451/2016 (Stay)**

CHANDAN BHATIA Petitioner
Through : Mr. Naveen Malhota, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through : Mr. Sanjay Jain, ASG with
Mr. Ravi Prakash, CGSC for UOI
with Ms. Shreya Sinha, Mr. Aditya
Dewan and Mr. Sumit Misra, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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27.04.2016

CRL. M. A. Nos. 1670/2016 & 3700/2016 in W.P.(CRL) 307/2016,

CRL. M. A. 2449/2016 in W. P. (CRL) 450/2016 &

CRL. M. A. 2452/2016 in W. P. (CRL) 451/2016

1. Along with the writ petitions, applications for grant of bail during the pendency of the writ petitions have been filed. In W.P.(C).307/2016, an additional application seeking grant of bail being CrI.M.(B).3700/2016 has been filed.
2. Aforesaid three writ petitions have been filed under Article 226/227 of the Constitution of India. Counsel for the petitioners submit that the facts of the aforesaid three writ petitions are somewhat similar and the legal issues raised in all the writ petitions are identical.
3. The petitioners have filed the present writ petitions assailing various actions taken by the respondents in arresting the petitioners, threatening the petitioners with criminal prosecution, calling them to appear before them without following any mandate of law as well as procedure established by law in violation of their fundamental rights as guaranteed under Article 21 of the Constitution of India.
4. An order of arrest was passed on 13.10.2015. It is the case of the petitioners that the respondents have conducted themselves against the settled tenets of criminal jurisprudence with glaring violations of the constitutional mandate. The entire proceedings against the petitioners

are only a *void ab initio*, *otiose* and nugatory on various grounds which have been detailed in the writ petitions.

5. Some necessary facts are being noticed pertaining to the case of Gurucharan Singh, petitioner in W.P(C).307/2016 for the sake of convenience. This petitioner claims to be a businessman of 33 years age belonging to a respectable family. He has a wife, a three years old son, elderly parents and an unmarried brother. He claims to be looking after his family business of import and export of readymade garments.
6. On 9.10.2015, upon the complaint of Sh. Parveen Kumar, Deputy General Manager, Bank of Baroda, the Central Bureau of Investigation, Delhi registered a case bearing RC.BD.F1.2015 under Section 420 read with 120-B IPC and Sections 13 (2) read with 13 (1) (d) of Prevention of Corruption Act, 1988 against the officials of the Bank of Baroda, Ashok Vihar Branch, New Delhi etc. wherein the petitioners were not named.
7. The complaint of Parveen Kumar, DGM, Bank of Baroda *inter alia* alleged serious irregularities pertaining to foreign exchange transactions in the Current Account of 59 Companies in overseas foreign exchange remittances amounting to approximately Rs.6000 Crores. The company of the petitioner M/s Dhawan Creative Prints was not named in the 59 accused companies. The petitioner does not even hold a Current Account in Bank of Baroda.
8. On the same day, *i.e.*, 09.10.2015, while treating the CBI Case as a 'Scheduled Offence' under Part A of the Schedule under Prevention of Money Laundering Act, 2002 (hereinafter referred to as PMLA), the Enforcement Directorate (ED) registered an ECIR No.

20/DLZO/2015/AD(DR)/YS wherein the name of the petitioners do not find mention.

9. On Sunday, 11.10.2015, the petitioner received a telephonic call from the Delhi Office of ED, asking him to immediately report at the said office. As a law abiding citizen, the petitioner reached the office of the respondent No.3 where to his utter shock, dismay and concern, he was illegally detained and was coerced to record purported statements under Section 50 of the PMLA.
10. The petitioner was issued summons dated 12.10.2015 to appear before the Assistant Director, ED, New Delhi on the same day, *i.e.*, 12.10.2015 at 10:00 AM. Thereafter, in the illegal custody of the respondents, the petitioner was threatened with dire consequences and was coerced to record self-incriminatory statement dated 12.10.2015 in purported exercise of Section 50 of PMLA.
11. The respondent No. 3 also recorded the statement dated 13.10.2015 of one Chandan Bhatia which *inter alia* implicated the petitioner and one Rakesh Bansal (who was not arrested or arrayed as an accused).
12. Pursuant to the recording of the said statement, the petitioner (who was already in the illegal custody of the respondents since 11.10.2015) was later on shown to be arrested on 13.10.2015 on the basis of statement dated 13.10.2015 of Chandan Bhatia in purported exercise of powers under Section 19 of PMLA. Later on, certain recoveries of allegedly incriminating documents were shown from his vehicle. However, no grounds of arrest have been furnished to the petitioner.
13. On 13.10.2015, the petitioner along with three others were produced before the Sessions Judge, Rohini Courts, New Delhi and were

remanded to custody of ED till 17.10.2015.

14. Subsequently, the statements made by the petitioners stand retracted. Bail applications filed by the petitioners stand dismissed by the Additional Sessions Judge. On 10.12.2015, the respondent no.3 has filed a complaint under PMLA.
15. Mr. Chaudhari, learned Senior Counsel for the petitioners submits that the arrest of the petitioners is without following the procedure established by law. The petitioners are lying incarcerated in custody since 13.10.2015. None of the petitioners have been named as accused of any schedule offence. Thus, the arrest and subsequent remand proceedings are utterly in violation of the procedure established by law. Counsel further contends that the petitioners have been arrested for contravening the provisions of Section 3 of PMLA punishable under Section 4 thereof. However, the offences under the Act are clearly non-cognizable. Neither the respondents could initiate investigations without a legitimate sanction of the Magistrate in terms of Section 155 (2) Cr.P.C. nor could any arrest be made without a warrant from a Magistrate. It is contended that neither any order was obtained from the Court prior to commencement of the investigation nor were the petitioners arrested after warrants of arrest were issued. In fact, the petitioners were summoned by the respondents and thereafter were arrested without any warrant from the Court.
16. Counsel contends that the arrest of the petitioners is absolutely unconstitutional and illegal as no mandatory procedure as prescribed under Chapter XII of Cr.P.C. regarding cognizable offences or non-cognizable offences (Sections 154, 155, 156, 157, 158, 170, 172, 173

Cr.P.C.) has been followed, thereby, rendering the proceedings to be vitiated being violative of Article 21 of the Constitution of India.

17. It is next contended that there is a grave violation of principle laid down in the case of ***“Om Prakash and another Versus Union of India and another 2011 (14) SCC 1”*** by the three Judges of the Supreme Court of India which clearly held that the procedure envisaged under Chapter XII of the Cr.P.C. is mandatorily required to be followed by Customs or Excise Officer regarding contravention of the provisions pertaining to the Customs and Central Excise Act and such observations are *pari materia* as well as *mutatis mutandis* applicable to the case of the petitioners.
18. Mr. Chaudhari further submits that the arrest of the petitioners is in contravention to the provisions of Section 41 Cr.P.C. read with the ratio of law laid down by the Supreme Court in ***Arnesh Kumar v. State of Bihar***, reported at (2014) 8 SCC 273 which makes it mandatory that in any case where the offence is punishable with imprisonment for a term which may extend to 7 years, the accused may not be automatically arrested and the Magistrate may not authorize the detention casually and mechanically.
19. It is also the case of the petitioners that the arrest of the petitioners is bad, illegal and wholly arbitrary in view of grave violation of ratio laid down by the Hon’ble Supreme Court in its Constitution Bench judgment in ***Lalita Kumari v. Government of U.P. and others***, reported at (2014) 2 SCC 1 as also in view of ***Joginder Kumar v. State of U.P.***, (1994) 4 SCC 260.
20. Mr. Chaudhari has placed strong reliance on the judgment passed by

the Division Bench of the Gujarat High Court where interim release has been granted to a similarly situated person while entertaining a writ petition under Article 226 of the Constitution.

21. Counsel submits that a Division Bench of the Hon'ble Gujarat High Court while entertaining a petition under Article 226 of the Constitution of India while in *Special Criminal application (Habeas Corpus) No. 4247 of 2015 titled as Rakesh Manekchand Kothari v. Union of India and others* directed the interim release of the petitioner therein till the final decision of the main writ petition, on his furnishing a personal bond of Rs.50,000/- etc. The order passed by the Gujarat High Court has been upheld by the Supreme Court of India and the SLP stands dismissed.
22. Mr. Chaudhari contends that the Hon'ble Gujarat High Court while dealing with the issues which are being raised in the instant petition in detail opined that the offence under the PMLA is *prima facie* non-cognizable and held "*that compliance with the procedure prescribed under the Cr.P.C. is the "procedure establishment by law". Fundamental rights of accused are protected under Article 21 of the Constitution of India, if such procedure established by law is complied with in any investigation*". The Division Bench further observed that *irrespective of whether the offence under PMLA is held to be cognizable or non-cognizable, respective procedure prescribed under the Code ought to have been followed in absence of any inconsistent provision under the PMLA concerning investigation and arrest amongst other proceedings.*"
23. Mr. Chaudhari submits that it is an undisputed position that the

petitioners are not accused of a 'Scheduled Offence' and therefore the rigors of Section 45 of PMLA are not attracted. Section 45 of PMLA reads as under:

“...Section 45. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no person accused of an offence punishable for a term of imprisonment of more than three years under Part-A of the Schedule shall be released on bail or on his own bond-

- (i) The Public Prosecutor has been given an opportunity to oppose the application for such release; and*
- (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:*

Provided that a person, who, is under the age of sixteen years, or is a woman or is sick or infirm, may be released on bail, if the Special Court so directs

Provided further that the Special Court shall not take cognizance of any offence punishable under section 4 except upon a complaint in writing made by:

- (i) the Director; or
- (ii) any officer of the Central Government or State Government authorised in writing in this behalf by the Central Government by a general or a special order made in this behalf by that Government. 2

[(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any other provision of this Act, no police officer shall investigate into an offence under this Act unless specifically authorised, by the Central Government by a general or special order, and, subject to such conditions as may be prescribed.]

(2) The limitation on granting of bail specified in 3 [***] sub-section (1) is in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”

24. Mr. Chaudhari submits that even in the case of ***Rakesh Manekchand Kothari*** (supra), the Hon'ble Gujarat High Court while lifting the embargo created by Section 45 of PMLA observed that the rigors of Section 45 shall not be applicable in the case of a person who is not accused of a 'Scheduled Offence' (as the petitioner/detenué therein Sh. Rakesh Manekchand Kothari was not accused of a Scheduled Offence). The relevant portion of the order reads as under:

*“..24. In any event, it is not in dispute that the **petitioner is not arraigned as accused in scheduled offence** investigated by the Crime Branch. A bare reading of section 45 further shows that the rigors of bail are applicable only to the person accused of offence in Schedule I. Therefore, prima facie, we are of the view that **rigors of section 45 in granting bail are even otherwise not applicable in the case qua the petitioner.....”***

25. To summarise his submissions, Mr. Chaudhari submits that the personal liberty of the petitioners have been prejudiced, without-
- i. Recording any information relating to the Commission of a cognizable offence (u/s 154 of the Code of Criminal Procedure);
 - ii. Forwarding any report / FIR of the cognizable offence to competent Magistrate (u/s 157 of the Code);
 - iii. Recording any Information as prescribed of the Commission of a non-cognizable offence and referring the informant to the competent Magistrate (u/s 155(1) of the Code);
 - iv. Obtaining any order from a competent Magistrate for investigating any non-cognizable offence (u/s 155(2) of the Code);
 - v. Obtaining any warrant from competent Magistrate to arrest the Appellant in a non-cognizable offence (u/s 155(3) of the Code);
 - vi. Maintaining any case diary in a duly paginated volume, entering therein day-to-day proceedings in the investigation and other material particulars (u/s 172 of the Code); and producing such case diary before the Magistrate when the Appellant was

arrested and produced before the Magistrate (u/s 167 of the Code).

26. Mr. Sanjay Jain, learned ASG for Union of India has opposed these applications seeking bail during the pendency of these writ petitions. He submits that although custodial investigation is not necessary and the complaint has been filed by the respondents, the respondents fear that in case the petitioners are enlarged on bail, a fresh paper trail would be created justifying the illegal transactions which would hamper the case of the respondents. He further submits that the allegations against the petitioners are serious in nature and large sums of money are involved and there are no reasonable grounds which would entitle the petitioners to grant of bail even during the pendency of this writ petition. Reliance is placed on the case of ***Gautam Kundu Vs. Manoj Kumar, Assistant Director, Eastern Region Directorate of Enforcement (Prevention of Money Laundering Act) Government of India reported in AIR 2016 SCC 106*** wherein it has been held that :

“28. Before dealing with the application for bail on merit, it is to be considered whether the provisions of Section 45 of the PMLA are binding on the High Court while considering the application for bail under Section 439 of the Code of Criminal Procedure. There is no doubt that PMLA deals with the offence of money laundering and the Parliament has enacted this law as per commitment of the country to the United Nations General Assembly. PMLA is a special statute enacted by the Parliament for dealing with money laundering. Section 5 of the Code of Criminal Procedure, 1973 clearly lays down that the provisions of the Code of Criminal Procedure will not affect any special statute or any local law. In other words, the

provisions of any special statute will prevail over the general provisions of the Code of Criminal Procedure in case of any conflict.

29. Section 45 of the PMLA starts with a non obstante clause which indicates that the provisions laid down in Section 45 of the PMLA will have overriding effect on the general provisions of the Code of Criminal Procedure in case of conflict between them. Section 45 of the PMLA imposes following two conditions for grant of bail to any person accused of an offence punishable for a term of imprisonment of more than three years under Part-A of the Schedule of the PMLA: (i) That the prosecutor must be given an opportunity to oppose the application for bail; and (ii) That the Court must be satisfied that there are reasonable grounds for believing that the accused person is not guilty of such offence and that he is not likely to commit any offence while on bail.”

27. Relying on the aforesaid decision, Mr. Sanjay Jain, learned ASG submits that Section 45 of Prevention of Money Laundering Act imposes two conditions which have to be satisfied while granting bail; firstly the Public Prosecutor must be given a chance to oppose the application for such release; and secondly, the Court must be satisfied that there are reasonable grounds for believing that the accused person is not guilty of such offence and is not likely to commit such offence while on bail.
28. Mr. Sanjay Jain, learned ASG also submits that an FIR has been lodged by the Central Bureau of Investigation against known and unknown persons and the role of the three petitioners herein are being examined and in such circumstances they would be covered under the provisions

of Section 45 of the Prevention of Money Laundering Act and they would be covered as accused as per Section 45 of the Prevention of Money Laundering Act. Reliance has also been placed on the case of ***Union of India v. Hasan Ali***, reported in 2011 (10) SCC 235.

29. Mr. Sanjay Jain, learned ASG also submits that under Section 24 of the Prevention of Money Laundering Act, a person who is accused of having committed the offence under the Section 3, the burden of proving that proceeds of crime are untainted property shall be on the accused, which burden has not been discharged by the petitioners. Reliance is also placed on the case of ***Y. S. Jagan Mohan Reddy v. Central Bureau of Investigation***, reported in 2013 (7) SCC 439, wherein in paras 34 and 35 it has been held as under :

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.”

30. Mr. Jain also submits that the heading of Section 45 of PMLA makes it

abundantly clear that the offences are cognizable and non-bailable.

31. Mr. Jain submits that the matter is listed before the Additional Sessions Judge, Special Court(PMLA), Rohini, Delhi where the respondent is seeking a letter of rogatory to foreign courts for assistance and the formal order is to be passed shortly.
32. We have heard the learned counsel for the parties and considered their rival submissions.
33. The main thrust of argument of Mr. Chaudhari, learned Senior Counsel for the petitioner is that the petitioners have been arrested without following the procedure established by law and the arrest is in violation of the fundamental rights of the petitioners as guaranteed under Article 21 of the Constitution of India. Mr. Chaudhari, learned Senior Counsel for the petitioner has submitted that prior to the amendment to Section 45 of the PMLA Act, every offence under this Act was cognizable. However, post-amendment the offences are non-cognizable and the heading is misleading.
34. In the case of *Lalita Kumari v. Government of U.P. and others*, (2014) 2 SCC 1, the Supreme Court highlighted the importance of following the procedure prescribed under the Code of Criminal Procedure. Paras 86, 95 and 96 read as under:

“86. Therefore, conducting an investigation into an offence after registration of FIR under section 154 of the Code is the “procedure established by law” and, thus, is in conformity with Art.21 of the Constitution. Accordingly, the right of the accused under Art.21 of the Constitution is protected if the FIR is registered and then the investigation is conducted in accordance with the provisions of law.”

“95. The police is required to maintain several records

including case diary as provided under section 172 of the Code. ...Moreover every information received relating to commission of a non-cognizable offence also has to be registered under section 155 of the Code.”

96. ...Sec. 157(1) deploys the word “”forthwith”. Thus, any information received under section 154(1) or otherwise has to be duly informed in the form of a report to the Magistrate. Thus, the commission of a cognizable offence is not only brought to the knowledge of the investigating agency but also to the subordinate judiciary.”

35. We may also note at this stage that identical issues were subject matter of consideration in W.P.(Crl).4247/2015 titled *Rakesh Manekchand Kothari v. Union of India and Others* which was subject matter before a Division Bench of the Gujarat High Court. For the detailed reasons stated in the said decision which has been upheld by the Supreme Court of India, we see no reason to take a different view.
36. Detailed arguments with regard as to whether an offence under PMLA is cognizable or non-cognizable are yet to be heard. Mr. Jain has relied upon the heading of Section 45 to buttress his argument that reading of the heading would show that the offence is cognizable and non-bailable.
37. In the case of *Guntaiah v. Hambamma*, reported at (2005) 6 SCC 228, it was held that marginal heads are simply catch words and, thus it cannot be said that merely because the heading of Section 45 states offences to be cognizable and non-bailable cannot be read to be cognizable after the amendment where the following line has been deleted from Section 45.

“(A) Every offence punishable under this Act shall be

cognizable”.

38. However, it is mandatory for the respondents to follow the procedure prescribed under the Code of Criminal Procedure in the absence of any inconsistent provision under the PMLA concerning investigation, arrest and or other proceedings. *Prima facie* we are of the view that it was mandatory for the respondents to comply with the provision of Sections 155, 177(1) and 172 of the Code of Criminal Procedure in case the offence is non-cognizable. However, should this Court reach a conclusion that the offence under PMLA is held to be cognizable, the respondents were bound to follow and comply with Sections 154, 157 of the Code of Criminal Procedure.
39. In the absence of procedure having been followed, rights of the petitioners under Article 21 of the Constitution of India stand violated. The personal liberty of a person cannot be deprived of except after following the procedure established by law. This Court cannot lose track of the fact that the petitioners before this Court have not been arrested as accused in the scheduled offence which is being investigated by the CBI. This fact gains immense importance as Mr. Sanjay Jain, learned ASG has placed reliance on Section 45 of the PMLA while opposing the prayer made by the petitioners for grant of bail. We have reproduced Section 45 of the PMLA in the paragraph noted above. Mr. Jain, learned ASG has submitted that the word ‘accused’ appearing in Section 45 of PMLA is wide enough and the word ‘accused’ would cover the petitioners herein as the FIR lodged by the CBI is against known and unknown persons and the petitioners

would stand included in the wider definition.

40. We are unable to agree with the submission of learned ASG at this stage firstly for the reason that neither the petitioners are named in the FIR and even otherwise during the period of 6 ½ months of their arrest in case there was sufficient material on record, the names of the petitioners would have been included.
41. However, we find force in the submission of learned ASG that in case the petitioners are enlarged on bail, there is strong possibility that a paper trail may be created which may prejudice the rights of the respondents and hamper their case. Although, Mr. Chaudhari, learned Senior Counsel for the petitioner in W.P.(CrI).307/2016 has repeatedly urged that the petitioners are absolutely innocent.
42. *Prima facie* we are of the view that the petitioners have been able to make out a case of grant of bail. Accordingly, we grant bail to the petitioners during the pendency of the writ petitions, on the following conditions:
 1. Petitioners shall execute a bond of Rupees Five Lacs each with two solvent sureties, each for the like amount to the satisfaction of the Trial Court.
 2. Petitioners shall not leave the territorial jurisdiction of the National Capital Region without prior permission of either this Court or the Trial Court. Similarly, petitioners shall not leave the country without the prior permission of either this Court or the Trial Court.
 3. Petitioners shall appear before the Investigating Officer in the Office of Enforcement Directorate, Delhi initially on every alternative day from 11:00 AM to 1:00 PM for a period of fifteen days and thereafter, as and when called upon by the Investigating Agency.

4. Petitioners shall furnish a mobile phone number to the Investigating Officer prior to their release and shall ensure the same to be operational at least between 9:00 AM to 6:00 PM.
5. Petitioners also undertake that the information furnished to their counsel by the Investigating Officer regarding their appearance before the ED would be construed to be a deemed service on the petitioner. For this purpose, the Investigating Officer may inform the counsel for the petitioner Gurucharan Singh namely Sh. Raktim Gogoi, Advocate having Mobile No. 98716-39549 and Mr. Naveen Malhotra, Advocate having Mobile No. 98100-35082 (counsel for Petitioners Chandan Bhatia & Sanjay Aggarwal).
6. Petitioners shall not in any manner have any contact directly or indirectly with any person connected with the case either as a witness or as an accused or in any other capacity.
7. Subject to the interim/final orders passed in the Provisional Attachment Proceedings initiated by the ED relating to the Petitioner's movable/immovable property and/or his Bank Account, petitioner undertakes not to operate the Bank Account(s) without prior permission of either this Court or the Trial Court.
8. Petitioners undertake to furnish all information and/or issue any written instructions and/or correspondence for and in relation to any specific purpose, as sought for by the ED for the purpose of facilitation of investigation, except any self incriminating disclosure.
9. Petitioners shall answer each and every query put to them either orally or in writing by the Investigating Agency without any delay and in case, some data or record is to be collected, for answering such query, the same shall be endeavoured to be done within 24 Hours.
10. Petitioners shall not in any way directly or indirectly have any link; interaction; dealing and/or connection of any nature whatsoever, with any foreign firms/companies/entities/banks/accounts etc. including those who/which are the subject matter of present investigations conducted and in progress by ED.
11. Petitioners undertake not to deal with and/or carry out any export/import activity and/or transactions relating thereto either directly or indirectly.
12. Petitioners hereby tender on record their undertaking that they would not rely upon any invoices/import orders or any other such

document relating to the transactions as alleged in the Complaint filed by ED during the trial and would not claim the existence of any such document at any subsequent stage of the proceedings or trial.

13. We make it clear that if any of the conditions are violated, it will be open for the respondents to seek cancellation of bail.

43. While granting bail, we may clarify that any opinion expressed at this stage is primarily, for the purposes of considering the prayers of the petitioners for grant of bail.

44. The applications stand disposed of.

W.P.(CRL) Nos. 307/2016, 450/2016 & 451/2016

45. Admit.

46. Leave granted to the respondents to file counter affidavit post admission.

47. List before the Registrar(Appellate) for completion of pleadings on 12.07.2016.

48. Order Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

APRIL 27, 2016

sc/pst