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Directorate of Enforcement v. Raj Singh Gehlot

ECIR/14/HQ-STF/2019 dated 18.10.2019

05.08.2021

Present: Sh. Atul Sharma and Sh. N. K. Matta, Ld. SPPs for ED through VC.

Sh. Bhoopesh, AD, PMLA/IO present in person.

Accused Raj Singh Gehlot produced in ED custody through VC.

Sh. Vikas Pahwa, Ld. Senior Advocate with Sh. Tanvir Ahmed Mir, Ld. counsel for accused Raj Singh Gehlot are present through VC.

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

1. Present is an application moved on behalf of the IO seeking extension of ED custody remand of accused Raj Singh Gehlot for a further period of 7 days. It is submitted by Ld. SPP that after taking the custody remand of accused, he was confronted with bank account statements of his various companies, statements /documents of various vendors of the project, data extracted from digital device and statement of various employees/relative who were directors in group companies or owners of entities to whom funds were transferred from the sanctioned loan amount but during interrogation, accused was not able to provide any satisfactory explanation for the diversion of funds to different entities.
2. It is submitted that confrontation of accused with voluminous records and statements is a time consuming process which is still under progress for which his custodial interrogation is required. It is submitted that his custodial interrogation is required to unearth the end use of some portion of loan funds in order to ascertain the exact quantum of proceeds of crime; for determining the role of various

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other persons and aides who have assisted in the sanction and diversion of loan funds and also to unearth the entire modus operandi involved in the present case. It is thus prayed that ED remand of accused Raj Singh Gehlot may be extended for further period of seven days.

3. Ld. Senior Advocate for accused Raj Singh Gehlot has forcefully opposed the instant application. It is submitted that the reasons cited by the Directorate of Enforcement are not tenable. It is submitted that the grounds are very basic in nature and infact repetition of the grounds cited by the ED earlier in their ED remand application dated 29.07.2021. It is submitted that unless there are very strong and exceptional circumstances for extension of ED remand, the ED remand cannot be extended. It is further submitted that extension of ED remand anyfurther in the instant matter shall infact be violative of Article 20 and 21 of Constitution of India.
4. In the case at hand, voluminous data is still required to be analyzed and numerous statements of witnesses recorded u/s 50 of PMLA are required to be confronted with the accused. Investigation of an offence under PMLA in itself is an intricate exercise of skills and patience. The very nature of offence requires sustained interrogation and an intensive analysis of the copious material collected during the course of investigation. Considering its intricate nature, Investigation under PMLA ,for obvious reasons, is a time consuming process. I am of the considered opinion that the investigating agency in a PMLA case deserves a little more time in comparison to the time required in investigating an ordinary crime.
5. I have perused the material produced before me by the IO and I am satisfied that ED has made out a case for further extension of ED remand. However, ED is not divested of its onerous responsibility to expeditiously conclude the investigation.

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6. Considering the totality of circumstances, accused Raj Singh Gehlot is further remanded to ED custody till **07.08.2021**.
7. Medical examination of accused be conducted before and after the ED remand. IO is also directed to ensure adequate medical care and attention to the accused.
8. Application is disposed off accordingly.
9. Copy of the order be given dasti to all the concerned.

DHARMENDER RANA Digitally signed by DHARMENDER RANA
(Dharmender Rana) Date: 2021.08.05 15:37:26 +05'30'

ASJ-02/NDD/PHC/ND:05.08.2021