

Punjab and Haryana High Court stayed the transfer orders of ED official in biggest drug case.

The Punjab and Haryana High Court has stayed the implementation of transfer orders of Enforcement Directorate (ED) Assistant Director Niranjn Singh who is probing synthetic drug racket case. He had also summoned Punjab Revenue Minister Bikram Singh Majithia on December 26 in the drug racket.

The decision was taken on an application in ongoing Public Interest Litigation (PIL) filed by an advocate Navkiran Singh on behalf of an NGO Lawyers for Human Rights International yesterday. The next hearing of the case is on February 2. The Jalandhar-based Enforcement Directorate Assistant Director had also earlier interrogated former Punjab jails minister Sarwan Singh Phillaur and his son Damanvir Singh in connection with the drug racket.

While summoning the record over the issue from the union government on February two, a division bench of the court comprising Justices SK Mittal and Depak Sibal stayed the implementation of the transfer order of the ED official. The plea was filed by the advocate in connection with Rs 6000 crore drug case in Punjab which is being probed by the ED. Niranjn Singh, who was posted as assistant director of the investigation agency at its Jalandhar office, was the main investigator in the drugs money laundering case and he was also part of the team which recently questioned Majithia in the same case in Jalandhar. The officer was also the main officer for probe into a number of money laundering and forex violations cases that are being conducted in the state for a long time now.

The ED had sought to downplay Singh's transfer, saying he has been "specially selected" to take over an "important assignment" in Kolkata.

In his PIL, the advocate had contended that the probe in the case was at its final stage and the transfer of the officer was neither in public interest nor in the interest of justice. The shifting out of an investigation officer, playing a key role in the probe, was not beyond suspicion, the petitioner had contended. "In situations where the investigation officers of two important cases, the coal scam and 2G scam, were transferred and the Supreme Court found the same not to be in the interest of justice, it stayed the transfer orders and ordered that the particular investigating officers would remain as investigating officer till the completion of trial," Singh contended.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Misc.No._____/2015

In

C. W. P. No. 20359 of 2013

Court on its own motion . . . Petitioner

Versus

State of Punjab etc . . . Respondents

Application under Section 151 C.P.C. seeking stay of operation of transfer orders passed by Enforcement Directorate vide which Mr. Niranjana Singh, Assistant Director, Enforcement Directorate has been transferred to Kolkata from the Punjab Unit as this would hamper the investigation being conducted by the Department of Enforcement Directorate into the 6000 Crores money laundering international drug racket which is at final stages with the department.

. . .

Respectfully showeth:-

1. That this Hon'ble Court is seized of the matter of Narco Terrorism which is being faced by the State of Punjab which relates to manufacturing of synthetic drugs in the State of Punjab as well as the influx of spasticated drugs from the Pakistan border abutting to Punjab.
2. That in the present Public Interest Litigation petition this Hon'ble Court is monitoring the investigation being conducted by Punjab police in to the cases of narcotic smugglers namely Jagdish Bholra, Raja Kandola and Anup Singh Kahlon. Besides this the Central Agencies like Enforcement Directorate have been interrogating the accused which as revealed a nexus of politicians, police officials and the drug smugglers.
3. That the Enforcement Directorate has been filing status reports in this Hon'ble Court from time to time and the investigation into the aspect of money laundering into the 6000 Crores international drug racket has been investigated by the Enforcement Directorate by summoning Sh. Paramraj Singh Umaranagal, IPS Punjab Police, Shri Avinash Chander,

Chief Parliamentary Secretary of Akali-BJP Government, Shri Sarwan Singh Phillaur Minister of Akali-BJP Government, Damanvir Singh son of Sarwan Singh Phillaur, Santokh Singh Chaudhary M.P. of Congress party and latest interrogation of Shri Bikram Singh Majithia on 26.12.2014 has created headlines in the news paper. The news item self contained and also disclosed that Shri Bikram Singh Majithia was again going to the summoned by the Enforcement Directorate in connection with the multi crore drug racket. The news items dated 26.12.2014 and 4.1.2015 are self speaking and are being appended herewith as **Annexures A-1 and A-2**.

4. That on the last date of hearing on 16.1.2015 the counsel for the Enforcement Directorate also orally informed this Hon'ble Court that the officials of Enforcement Directorate are being intimidated through phone calls. A news item in this respect also appeared in the Hindustan Times on 16.1.2015 a copy of which is being **Annexure A-3**. The police is collecting the property details of the officials of Enforcement Directorate to pressurize and create a scare in the minds of Enforcement Directorate.
5. That since a lot of politicians of Punjab Government which having a government run by Akali- BJP alliance, a lot of resentment and heat was generated by allegations and counter allegations in the press. However it came as a bolt from the blue Shri Niranjn Singh Assistant Director, of Enforcement Directorate who is the main investigation officer in the 6000 Crores drug scam for suddenly transferred from the Punjab Unit to Kolkata Unit and the reasons which have been given by the Enforcement Directorate in the media is that in Kolkata the Enforcement Directorate needed efficient and good officers like Shri Niranjn Singh to investigate the multi crore Chit Fund Scam known as Shrada Scam. The news item dated 17.1.2015 as reported in The Tribune and is being appended herewith as **Annexure A-4** has shook the confidence of the people at large who were hoping that the truth would come to light and politics would not be played on this sensitive issue.
6. That the transfer of Shri Niranjn Singh Assistant Director is not in Public Interest, is also not in the interest of justice and more over since the case was being supervised by this Hon'ble Court since last more than one year and status reports were being filed by the State and Central Agencies, shifting out an investigating officer who is playing an important role in the investigation is not beyond suspicion.
7. That the logic given by the Enforcement Directorate that Shri Niranjn Singh Assistant Director, Enforcement Directorate being an efficient and good officer is required at Kolkata is also not rational, as the said scam may have an importance being of a larger value money wise, but the drug scam of 6000 Crores having international ramifications is linked to the lives of lacks of Punjabi Youth and is of more serious nature that a Chit Fund Scam. The reasons given by the Enforcement Directorate, New Delhi defies logic.
8. That in such situations where the investigating officers of two important cases i.e. Coal Scam and 2G Scam were transferred and the Hon'ble Supreme Court of India found the same not to be in the interest of justice, it stayed the transfer orders and ordered that the particular investigating officers would remain as Investigating Officer till the completion of the trial. In the present case since the Enforcement Directorate has interrogated more than 50 important witnesses and the investigation is at a fag end and it is soon to be completed,

the changing of Investigating Officer would be sending the investigation directionless and moreover the public at large atleast is convinced from the media reports that the said transfer is outcome of politics and nothing more. The precedents of the Hon'ble Supreme Court dated 29.4.2013 and 1.5.2014 are being appended herewith as **Annexures A-5 and A-6** for ready reference of this Hon'ble Court. So the present application.

In the light of the above given circumstances of the case, it is most humbly prayed that this Hon'ble Court may kindly stay the operation of transfer orders passed by Enforcement Directorate vide which Mr. Niranjn Singh, Assistant Director, Enforcement Directorate has been transferred to Kolkata from the Punjab Unit as this would hamper the investigation being conducted by the Department of Enforcement Directorate into the 6000 Crores money laundering international drug racket which is at final stages with the department.

It is, further prayed that this Hon'ble Court may kindly exempt from filing the certified copies of Annexure A-1 to A-5 as the same are readily not available with the applicant at this stage.

(NAVKIRAN SINGH) (RUBINA N.SINGH) (HARJEET SINGH)

A D V O C A T E S

DATED:19.01.2015 COUNSEL FOR THE APPLICANT

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Misc.No._____/2015

In

C. W. P. No. 20359 of 2013

Court on its own motion . . . Petitioner

Versus

State of Punjab etc . . . Respondents

**Affidavit of Tejinder Singh Sudan, Advocate, President Chandigarh Unit,
Lawyers for Human Rights International (Regd), Office at 516, Sector 11-B,
Chandigarh.**

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That I am the applicant in the accompanying main petition and since I am conversant with the facts and circumstances of the case, as such I am entitled to file this affidavit in this Hon'ble Court.
2. That the accompanying application has been drafted by the counsel on my instructions. The contents of the same have been read by me and thereafter I signed the affidavit in support of the averments made therein.
3. That the contents of the main application may be read as a part of this affidavit.
4. That the applicant is filing the accompanying petition in this Hon'ble Court for stay of operation of transfer orders passed by Enforcement Directorate vide which Mr. Niranjana Singh, Assistant Director, Enforcement Directorate has been transferred to Kolkata from the Punjab Unit as this would hamper the investigation being conducted by the Department of Enforcement Directorate into the 6000 Crores money laundering international drug racket which is at final stages with the department.
5. That this Hon'ble Court may kindly exempt from filing the certified copies of Annexure A-1 to A-5 as the same are readily not available with the applicant at this stage.

CHANDIGARH:

DATED:19.01.2015

(DEPONENT)

VERIFICATION:-

Verified that the contents of paras 1 to 5 of the affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

CHANDIGARH:

DATED:19.01.2015

(DEPONENT)

ORDER DATED 19.01.2015

CM No. 738-CWP of 2015 in

CWP No. 20359 of 2013

Court on its own motion Vs. State of Punjab and others

Present : Mr. Navkiran Singh, Advocate,for the applicant (intervenor).

* * *

Learned counsel for the applicant (intervenor), while referring to various interim orders passed by this Court, argued that this court has been monitoring the investigation of the case relating to the alleged drug scam of Rs. 6000 crores, in the State of Punjab. The Directorate of Enforcement is also investigating into the allegations of money laundering in the scam. This investigation is being conducted by the Directorate of Enforcement through its Assistant Director, Shri Niranjn Singh, who is leading the investigation of the case registered by the Directorate of Enforcement. Learned counsel further pointed out that at one stage, the above named Niranjn Singh has been granted protection by this court, on his complaint of having threat perception. The investigation is still going on. Learned counsel for the applicant (intervenor) states that in the midst of the investigation, the above named officer has been transferred to Kolkata. He submits that the said transfer is not fair and has caused suspicion and apprehension in the minds of the people, and that too without taking the court into confidence, particularly when this matter has been taken by the court on its own

motion.

Notice of the application to the respondents as well as to Shri Shashi Kant, who is appearing in person, for February 02, 2015, the date already fixed in the main case.

Mr. Sukhdeep Singh Sandhu, Senior Standing Counsel for the Enforcement Directorate, accepts notice on behalf of the Directorate of Enforcement. After having instructions from Shri Suresh Batra, Assistant Legal Advisor, Special PP for the Directorate of Enforcement, Mr. Sandhu has informed the court that the aforesaid transfer order of Mr. Niranjan Singh has not yet been implemented. In view of this fact, we direct that the said transfer order of Shri Niranjan Singh, Assistant Director of the Directorate of Enforcement, be not implemented, till the next date of hearing. The record pertaining to the transfer of the said officer be also produced on the next date of hearing.

(SATISH KUMAR MITTAL)

JUDGE

January 21, 2015

(DEEPAK SIBAL)

JUDGE