

Gurdeep Singh Manchanda VS. Enforcement Directorate

Present: Mr. Bipan Ghai, Senior Advocate (arguing counsel) with
Mr. Nikhil Ghai, Advocate
Mr. Joban Singh Dhaliwal, Advocate
Mr. Tushar Rawal, Advocate
Mr. Himanshu Kashyap, Advocate for the petitioner
for the applicant-appellant(s)

Mr. Satya Pal Jain, Additional Solicitor General of India, with
Ms. Meghna Malik, Senior Panel Counsel,
Mr. Shobit Phutela, Advocate, Senior Panel Counsel, and
Mr. Shourya Mehra, Advocate, for the respondent-ED.

1. The instant application has been preferred under Section 389 Cr.P.C. seeking suspension of sentence of the applicant-appellant, convicted vide judgment dated 30.07.2024 and order of sentence dated 30.07.2024 in Complaint under Section 45(1) of the Prevention of Money Laundering Act, 2002 (in short PMLA, 2002) for the offence of money laundering under Section 3 and punishable under Section 4 of PMLA, 2002 (registered in ECIR/02/JLZO 2013 dated 25.03.2013 which was registered on the basis of FIR No. 45/2013 dated 03.03.2013 under Sections 21 of NDPS, Section 420, 467, 468, 471 IPC and 25 of Arms Act registered at Police Station Fatehgarh Sahib). The convict was sentenced as under:-

Convicted under Section	Sentence imposed	In default of payment of fine.
u/s 4 of PMLA	Rigorous Imprisonment for 5 years and fine of ₹ 30,000/-.	Further undergo Rigorous Imprisonment for a period of 5 months.

2. Learned Senior counsel representing the applicant-appellant contends that the applicant-appellant is innocent and has been falsely implicated in this case. Even though, he was implicated as an accused in the predicate offence in FIR No. 50 dated 03.04.2013, PS Urban Estate Patiala, but during trial he was acquitted of the predicate offences vide judgment dated 13.02.2019 passed in the aforesaid FIR in case *State vs. Palwinder Singh @ Pinda and others*. He contends

that although the applicant-appellant was involved in 3 other cases but he has since been acquitted in all the cases. He contends that the applicant-appellant is 73 years of age, suffering from medical ailments. He contends that the appeal preferred by applicant-appellant has been admitted in August 2024. In support of his contentions, he has referred to the judgment of Hon'ble Supreme Court dated 06.02.2026 passed in *SLP(Crl.) No. 1877 of 2016, Arun Dubey vs. The State of Madhya Pradesh* and prayed for grant of suspension of sentence to the applicant-appellant.

3. *Per contra* Learned Senior counsel representing respondent Enforcement Directorate has opposed the grant of suspension of sentence to the applicant-appellant on the ground that he had active participation in the crime and as such he does not deserve any leniency.

4. After considering the rival contentions and perusing the record, it is observed that the applicant was cited as accused in the predicate offence arising out of FIR No. 50 dated 03.04.2013, PS Urban Estate Patiala, however, he was acquitted in the trial culminated vide judgment dated 13.02.2019 titled *State vs. Palwinder Singh @ Pinda* and others.

5. In the present complaint under Section 45(1) of the PMLA, 2002 registered vide ECIR/02/JLZO 2013 dated 25.03.2013, the applicant-appellant was convicted under Section 4 of the PMLA, 2002 for rigorous imprisonment for 5 years with fine of ₹30,000/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of 5 months vide the impugned judgment dated 30.07.2024. The custody certificate of the applicant-appellant has been produced in the Court showing to have undergone actual custody period of 1 year 4 months 27 days. The appeal preferred by him has since been admitted in the month of August, 2024, which may take sufficient long time for disposal. The appeal being of the

CRM-32938-2024 in/and CRA-S 2788-2024

year 2024 is not likely to be heard soon and no purpose would be served by keeping applicant-appellant in custody.

6. Therefore, in these circumstances the remaining sentence of the applicant-appellant is hereby ordered to be suspended during the pendency of the present appeal and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned, subject to deposit of fine, as imposed vide the impugned judgment dated 30.07.2024, if not already deposited,.

7. The applicant-appellant is further directed not to leave the country without prior permission of the Court.

8. The applicant-appellant is directed to plant 20 saplings during ensuing monsoon season and maintain thereof for one year and produce the proof of plantation of the saplings.

9. Applications stands disposed of in above terms.

CRA-S-2788-2024

Adjourned to 01.04.2026.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 23.02.2026

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