

**IN THE COURT OF MS. ILLA RAWAT:
ADDL. SESSIONS JUDGE /SPECIAL JUDGE: CBI-03 (PC ACT)
SOUTH DISTRICT: SAKET COURTS: NEW DELHI**

**CT case No. 790/2018
Directorate of Enforcement v. Niti Sareen & Ors**

ORDER

1. Vide this order, I shall dispose of two bail applications filed on behalf of applicant/accused Gulfam Ahmad and Niti Sareen for grant of bail.
2. Briefly stated the facts of the case necessary for disposal of the above mentioned bail applications are that a case FIR bearing no. 20/09 u/s 365/120-B IPC was registered at the P.S. Crime Branch on 08.02.2009 against Niti Sareen, Gulfam Ahmad, Judge Chawla, Mohd. Arif, Ran Singh and Pappu @ Rohtash. The alleged accused persons were stated to have committed the murder of Surjit Singh Marwah on 16.05.2006. After the investigation, chargesheet was filed u/s 302/364/201/120-B/420/467/471/34 IPC against accused therein.
3. As per the chargesheet, accused Niti Sareen was the only child of Surjit Singh Marwah (S.S. Marwah). She was

married to Sunil Sharma who mysteriously disappeared in 2004. S.S. Marwah had bequeathed his property in favour of his grand children i.e. children of Niti Sareen. Niti Sareen used to live with her father/ deceased at 204, Kailash Hills, New Delhi. She used to run a boutique at Lajpat Nagar, New Delhi. She came in contact with Gulfam Ahmad. She and Gulfam Ahmad entered into a criminal conspiracy with Ran Singh, Mohd. Arif and Rohtash @ Pappu to usurp the property of S.S. Marwah by killing him. In furtherance of the said conspiracy, applicants/accused persons above named alongwith their associates killed S.S. Marwah on 16.05.2006 and disposed of his body in Gang Nahar Meerut. Niti Sareen thereafter lodged a missing report of the deceased on 18.05.2006 at P.P. Garhi, P.S. Lajpat Nagar. On 06.02.2009, a secret information was received by the police that the above accused persons alongwith accused Judge Chawla had committed the murder of S.S. Marwah on 16.05.2006. On 08.02.2009, the case vide FIR bearing no. 20/09 was registered and accused Gulfam Ahmad and Niti Sareen were arrested on 09.02.2009 along with their other associates. They disclosed about the involvement of accused Judge Chawla who was stated to have prepared a forged GPA dated 21.03.2001 in the name of Niti Sareen, on the basis of which the above property was sold floor

wise. Thereafter, the forged GPA was destroyed. Judge Chawla was arrested on 20.02.2009. The trial Court vide order dated 25.03.2013 convicted the accused Niti Sareen and Gulfam Ahmad for conspiring and fabricating the Power of Attorney purportedly issued by her father in her name for usurping the property.

4. The offences u/s 302/420/467/471 r/w 120-B IPC are the scheduled offences u/s 2 (1)(y) of Prevention of Money Laundering Act, 2002 (hereinafter referred to as "PMLA"). It was found that proceeds of crime by applicants/accused persons Niti Sareen and Gulfam Ahmad and their co-accused Judge Chawla were generated through the illegal activities related to scheduled offences and projecting the same as untainted which is an offence of Money Laundering as defined u/s 3 of the Act punishable u/s 4 of the Act. Accordingly, an ECIR vide No. 21/DZO/2014 was recorded on 26.11.2014.
5. Provisional attachment order (PAO) No. 05/2018 dated 20.03.2018 was issued for the purpose of attachment u/s 2(1)(u) of the PMLA Act, 2002 of the movable and immovable properties belonging to accused persons. The details of said properties has been mentioned in order dated 02.02.2019 whereby applicants/accused Niti Sareen and Gulfam Ahmad as well as their co-accused Judge Chawla

were summoned by Id. Predecessor.

6. The PAO no. 5/2018 was confirmed by the Adjudicating Authority vide order dated 10.09.2018 in OC No. 927/2018.
7. After collecting necessary evidence against applicant/accused Niti Sareen, Gulfam Ahmad and co-accused Judge Chawla, a complaint u/s 45 of Prevention of Money Laundry Act, 2002 for commission of offence u/s 3 punishable u/s 4 of the PML Act (as amended in 2005, 2009 and 2013) was filed in the Court whereupon the Id. Predecessor took cognizance vide order dated 02.02.2019 and summoned all the accused persons named therein.
8. Id. Counsel for applicant/accused Niti Sareen has contended that said accused had no connection with the alleged transactions and that she has already been acquitted of charges u/s 302 IPC in case FIR no. 20/09 registered at P.S. Crime Branch. It is also stated that pursuant to issuance of PAO order No. 5/2018, one car make Hyundai I20 sports Z bearing no. DL10CG 6624 in name of the daughter of the applicant/accused as well as her bank account no. 52032191009534 with Oriental Bank of commerce and cash in sum of Rs. 86,000/- were seized by the officials of Directorate of Enforcement and that the PAO was confirmed by the adjudicating authority vide its order dated 10.09.2018 and that the same has been

challenged to by the applicant/accused by filing an appeal which is pending before the appellate tribunal for PMLA. It is further stated that the applicant/accused had joined investigation as and when directed. It is accordingly prayed that applicant/accused Niti Sareen be granted bail.

9. Ld. counsel for applicant/accused Gulfam Ahmad contended that applicant/accused Gulfam Ahmad was acquitted of charges u/s 302 IPC in case FIR No. 20/09 and though he as well as his co-accused Niti Sareen were held guilty for offences punishable u/s 467 / 471/120-B IPC, the said judgment has been challenged by applicant/accused by filing an appeal before the Hon'ble High Court. It is stated that there is no allegation in the complaint filed by the Directorate of Enforcement that applicant/accused had acquired property by ill-gotten money and the same was his ancestral property. It is further stated that applicant/accused has always co-operated in the investigation with the IO. It is accordingly prayed that applicant/accused Gulfam Ahmad be granted bail.
10. On the other hand, Id. Special PP for the Directorate of Enforcement has contended that there are serious allegations against applicants/accused persons and that the applicants/accused persons have failed to co-operate in the investigation of the matter by the IO and has accordingly

prayed that the bail applications of accused Niti Sareen and Gulfam Ahmad be dismissed.

11. I have heard rival contentions raised before me and also perused the record carefully.
12. As is brought out from the brief narration of facts of the complaint filed by the Directorate of Enforcement, the ECIR vide No. 21/BZO/2014 was recorded on 26.11.2014 against the applicants/accused Niti Sareen and Gulfam Ahmad as well as their co-accused Judge Chawla. The provisional attachment order (PAO) No. 5/2018 was issued for purpose of attachment of movable and immovable properties of applicants/accused persons on 20.03.2018. The said order was confirmed by adjudicating authority vide its order dated 10.09.2018 in OC no. 927 of 2018. The instant complaint u/s 45 of the Prevention of Money Laundry Act 2002 was filed by the enforcement agency against applicants/accused Niti Sareen and Gulfam Ahmad as well as their co-accused Judge Chawla on 22.10.2018. Nothing could be pointed out by Ld. Special PP and / or the IO that applicants/accused Niti Sareen and Gulfam Ahmad had misused their liberty in any manner. Though it is contended that applicants/.accused persons have failed to co-operate with the IO in investigation of the case, this grievance of the enforcement agency can be redressed by directing

applicants/accused persons to join investigation as and when directed by the IO.

13. Considering totality of the facts & circumstances, both the accused persons Niti Sareen and Gulfam Ahmad are granted bail on furnishing of personal bond in sum of Rs. 1,00,000/- each with two sureties in the like amount. The applicants/accused are further directed to take prior permission of the Court in the event they are required to travel abroad at any point of time hereinafter till the pendency of the present matter.
14. Applications filed on behalf of applicants/accused Niti Sareen and Gulfam Ahmad are disposed of accordingly.

**Announced in the Open Court on
08.03.2019**

**(Illa Rawat)
ASJ/Special Judge (PC Act)
(CBI-3), South, Saket Court
New Delhi**