



Gian Chand vs. State of H.P. and Ors.

Item No.S-9.

Cr.WP No.2 of 2025

04.01.2025 Present: Mr. Vikram Chaudhri, Senior Advocate with Ms. Divya Bhagwan, Advocate (through V.C) and Mr. Surya Chauhan, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents No.1 and 2-State.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondent No.3.

Cr.WP No.2 of 2025 & Cr.MP No.62 of 2025

Inter alia contends that allegations are of illegal mining primarily in the State of Himachal Pradesh and Enforcement Case Information Report (ECIR) ECIR/HQ/01/2024 is dated 02.07.2024 (Annexure-P-12), and therefore the Court at Ghaziabad (U.P.) would have no jurisdiction.

2. It is submitted that the arrest order has been passed on 18.11.2024 (Annexure P-32) while exercising the powers under Section 19(1) of the Prevention of Money Laundering Act, 2002 and the reasons have been appended as Annexure P-33.

3. It is further submitted that the petitioner was produced and sent to the custody of the Enforcement Directorate vide order dated 19.11.2024 by the Special Judge, Enforcement Directorate/(Corruption Prevention), CBI Court



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No.2, Ghaziabad (Annexure P-38). Vide order dated 22.11.2024 (Annexure P-41), the petitioner was sent to judicial custody for 14 days. It is pointed out that initially the said procedure was subject matter of challenge in Writ Petition(s) (Criminal) No(s).514/2024 before the Apex Court, which was withdrawn on 13.12.2024 (Annexure P-42) with liberty to approach this Court.

4. Notice. Mr. Pranay Pratap Singh, learned Additional Advocate General and Mr. Rajeev Sharma, learned counsel, accept notice on behalf of respondents No.1, 2 and respondent No.3, respectively.

5. Learned counsel for the respondents pray for time to file reply.

List on **09.01.2025**.

(G.S. Sandhawalia)
Chief Justice

January 04, 2025
(ankit)

(Satyen Vaidya)
Judge