

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40796-2022
Reserved on: 14.09.2022
Pronounced on: 19.09.2022

Nisha Mittal ...Petitioner

Versus

Central Bureau of Investigation, BF & FC and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Chaudhri, Senior Advocate with
Mr. Keshavam Chaudhri, Advocate,
Ms. Hargun Sandhu, Mr. Sajal Bansal, Advocates, for the petitioner.

Mr. Rajeev Anand, Advocate for the respondent-CBI.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Lokesh Narang, Senior Panel Counsel,
for respondent No.2-E.D.

ANOOP CHITKARA, J.

Case/FIR No.	Dated	Police Station	Sections
ECIR/CDZO-II/01/2019 arising out of FIR No. RCBDI/2018 /E/009	05.09.2019 (08.05.2018)	CBI, BS&FC, New Delhi	3 & 4 of the Prevention of Money Laundering Act, 2002. (420, 467, 468, 471 read with 120-B IPC and Section 13 (2) read with Section 13 (1) (d) of P.C. Act.)

1. Apprehending arrest on being summoned by the trial court in the FIR captioned above, the accused has come up before this Court under Section 438 Cr.P.C. seeking anticipatory bail.
2. The petitioner has not disclosed criminal antecedents. Let her disclose her entire criminal in future bail petition(s)
3. The allegations against the petitioner are of conspiring with her husband Ashok Kumar Mittal and siphoning off a massive sum of Rs. 155.21 crores to purchase properties in her name, and after that, she further gifted a few properties to her daughter.

4. The Directorate of Enforcement arrested the petitioner's husband but chose not to arrest her, and it's not their case that she was a fugitive.

5. The petitioner had filed a petition for quashing of FIR and all subsequent proceedings by filing a petition under section 482 Cr.P.C., which was registered as CRM-M-49427-2021. Based on the petitioner's contentions, vide order dated 18th July 2022, this court had stayed the further proceedings beyond the stage of cognizance. It means that the arrest of the petitioner was never stayed, and despite that, the Enforcement Directorate neither proceeded to arrest her nor any of the respondents filed any application for vacation of stay granted till the next date in CRM-M-49427-2021.

6. The petitioner seeks bail on merits and also on medical grounds. This court is inclined to grant the petitioner limited time bail on medical grounds, as mentioned in para 2.2 of the petition, wherein she had recently been detected with bone marrow cancer, making her difficult to live a normal life. Thus, this court considers it appropriate on humanitarian to grant her time to recoup and take care of her health and is inclined to grant her interim bail till 31-01-2023, on furnishing bonds to the satisfaction of the trial court, and subject to the complying with the conditions imposed by the trial court.

7. Given above, the petitioner is released on interim bail due to bone marrow cancer till Jan 31, 2023. The petition is disposed of. Since there is no adjudication on the merits, it shall be permissible for the petitioner to file a fresh bail petition in January 2023 on merits. The disposal of the present petition should not come in the way if the petitioner chooses to file a fresh petition, which shall be decided on its merits without being influenced by this order.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case.

9. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition disposed of in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

19.09.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.