

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-26773-2023

Date of decision: 24.08.2023

Varinderpal Singh Dhoot

.....Petitioner

Versus

Assistant Director, Directorate of Enforcement, Jalandhar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S. Cheema, Sr. Advocate with
Mr. Arshdeep Singh Cheema, Advocate for the petitioner.

Mr. Satyapal Jain, Addl. Solicitor General of India with
Mr. Lokesh Narang, Sr. Panel Counsel, UOI
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case ECIR/JLZO/07Unit 4(1)/120/1024 under Section 3 read with Section 4 of the Prevention of Money Laundering Act, 2002 (for short, 'the PMLA') registered by Enforcement Directorate, Jalandhar.

2. At the outset, learned senior counsel for the petitioner submits that he would restrict his prayer for grant of interim bail to the petitioner on medical grounds as he is suffering from multiple medical ailments including chronic kidney disease for which it may not be conducive for him to remain in custody, moreso since it is the second transplant which the petitioner has undergone and there is a high risk of rejection as an early period rejection has already occurred once in his case. Learned senior counsel has urged that in case the petitioner is granted the concession of interim bail, the rapid deterioration in his

health would be, to a large extent, arrested with proper care and nursing which he would get at his home.

3. In compliance of order dated 31.05.2023 passed by this Court, the following report of the Medical Board constituted by PGIMER, Chandigarh to evaluate the condition of the petitioner, has been received:-

“The patient does not require prolonged hospitalization at present, current admission may be discharged at the discretion of the treating unit.

The patient requires expert medical supervision because it is his second transplant with a higher risk of rejection, and early-period rejection has already occurred. The patient is at risk of infection in view of intense immunosuppression, and the patient records note that episodes of loose stools ranging from mild to significant (with acute kidney injury) and recurrent episodes of acute kidney injury will lead to a worsening of graft function. In the event of an infection in a transplant patient, it should be treated as urgently as possible. He has a suspected gluten allergy, which would require special dietary provisions if proven.”

4. Learned counsel appearing for the respondent has opposed the prayer for extending the concession of interim bail to the petitioner on medical grounds by submitting that no doubt, there have been recurrent episodes of acute kidney injury, however, as and when there has been some medical emergency, the petitioner was promptly provided medical attention. It has also been submitted that in case the petitioner is released on interim bail, there could be a likelihood of the said concession being misused by him by tampering with evidence or even by trying to influence the witnesses to depose in his favour.

5. After hearing learned counsel for the parties and perusing the material on record including the report of the Medical Board

constituted by PGIMER, Chandigarh, the present medical condition of the petitioner satisfies the test of the proviso to Section 45(1) of the PMLA, this Court, therefore, deems it appropriate to release the petitioner on interim bail on medical grounds.

6. Accordingly, the petitioner is ordered to be released on interim bail on medical grounds for a limited period of 12 weeks from 25.08.2023 to 24.11.2023, subject to the satisfaction of the Trial Court/Duty Magistrate concerned, with the following additional conditions:-

(i) that the petitioner shall not leave the Tricity of Chandigarh, without the leave of the Trial Court;

(ii) that the petitioner shall not destroy or tamper with evidence, relating to the case in hand and shall not influence or meet any of the witnesses, scheduled in the witness list; and

(iii) that the petitioner shall surrender back to the Trial Court concerned on 25.11.2023 before 05:00 P.M.

8. The instant petition stands disposed of accordingly.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No