



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

241**CRM-M-41652-2024 (O&M)****Date of decision: 24.10.2024**

Surjeet Kumar Bansal

....Petitioner

V/s

Directorate of Enforcement

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.A.P.S.Deol, Senior Advocate with
Mr. Sanjeev Sharma, Advocate and Mr.Himmat Deol,
Advocate, for the petitioner.

Mr.S.V.Raju, Senior Advocate, Addl.Solicitor General
through V.C.with Mr.Zoheb Hossain, Mr.Shobit Phutela,
Mr.Vivek Gurnari, Mr.Samrat Goswami, Mr. Suradhish Vats,
Mr.Vineet Mishra & Ms. Ritika Rawat, Advocates
for the respondent-E.D.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this second petition filed under Section 439 of the Cr.P.C. is for granting the concession of regular bail in case ECIR No.ECIR/CDZO-1/01/2022 dated 06.01.2022 under Section 3 read with Section 4 of the Preventions of Money Laundering Act, 2002 (hereinafter referred to as 'PMLA').

2. On a pointed question put to the learned Senior counsel for the petitioner regarding the maintainability of the instant petition-given the dismissal of an earlier bail petition under Section 439 of the Cr.P.C. on 04.04.2024 vide detailed order-the learned Senior counsel for the petitioner has advanced the following arguments:



That a significant change in circumstances has arisen since the dismissal of the previous petition. The FIR in the predicate offence has been quashed by a Division Bench of this Court in the case of **Pranav Gupta vs. Union of India and another** in CWP No.24787-2023 and **Vineeta Gupta vs. Union of India and another** in CWP No.25048-2023, vide order dated 07.12.2023. As per the learned Senior counsel with the predicate offence quashed, the PMLA proceedings stemming from it, in the present FIR, cannot continue as they were inherently dependent on the predicate offence. It has been further argued that under such circumstances, the petitioner should not be left to languish in custody indefinitely. Learned Senior counsel has further submitted that the petitioner, aged about 75 years, has already been in custody for over a year, having been arrested on 28th of October, 2023, and no progress has been made in the trial for the last 09 months, leaving it stalled at the same stage.

Learned Senior counsel has also pleaded that, given the advanced age of the petitioner and worsening health conditions, humanitarian ground be taken and the petitioner be enlarged on bail.

3. *Per contra*, learned Additional Solicitor General of India, while vehemently opposing the prayer and submissions made by the learned Senior counsel for the petitioner, has asserted that there has been no material change in the circumstances since the dismissal of the previous petition on 04.04.2024. Although the FIR in the predicate offence was indeed quashed by a Division Bench of this Court on 07.12.2023, the CBI (investigating agency therein) has challenged the decision of the Division Bench of this Court before the Hon'ble Supreme Court, where the matter is pending, with notice having been issued. It



has been argued that PMLA proceedings are stand alone in nature and are not automatically extinguished by developments in the predicate offence; thus, the case under the PMLA can proceed independently. The learned Addl. Solicitor General has also attributed any delay in the trial to the petitioner himself by asserting that the petitioner has repeatedly filed some applications or the other, intended to delay the proceedings.

Regarding the medical condition of the petitioner, the learned Addl. Solicitor General has emphasized that in response to a similar argument pertaining to the medical condition of the petitioner in the previous petition, the health of the petitioner in compliance of orders passed by this Court had been evaluated by a Board of Specialist Doctors at PGI MER, Chandigarh, which found him to be stable and not afflicted by any life threatening condition. Additionally, there is no evidence of any deterioration in the health of the petitioner since the evaluation done by the PGI MER, Chandigarh.

4. I have heard learned counsel for the parties and have perused the relevant material placed on record.

5. The petitioner's previous petition seeking regular bail was dismissed on 4th of April, 2024 vide a detailed order, in which all relevant grounds- including the status of the predicate offence- were considered. The petitioner has again approached this Court, primarily on the ground that the predicate offence has been quashed; however, this decision is already under challenge in the Hon'ble Supreme Court. Consequently, the proceedings under the PMLA stand against the petitioner. Furthermore, the learned Senior counsel for the petitioner has not demonstrated any substantial change in circumstances



that would justify revisiting the decision given in the previous petition filed by the petitioner.

In the circumstances and as a sequel to the above, no ground is made out to accept the prayer made in the instant petition. Accordingly, the petition is hereby dismissed. 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

October 24, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

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