



\$~92 to 94

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1528/2024, CRL.M.A. 5971/2024 and

CRL.M.A. 5972/2024

DIRECTORATE OF ENFORCEMENT

..... Petitioner

Through: Mr.Zoheb Hossain, Spl. Counsel,
Mr.Manish Jain, SPP with Mr.Vivek Gurnani,
Ms.Sougata, Ms.Snehal and Mr.Mohit, Advocates
versus

RAM KISHORE ARORA

..... Respondent

Through: Mr.Kapil Sibal, Sr. Advocate with
Mr.Tanveer Ahmed Mir, Mr.Yash Datt,
Mr.Shashwat Sarin, Mr.Md.Imran Ahmed and
Ms.Ariana Ahluwalia, Advocates

+ CRL.M.C. 2437/2024

AMIT MITTAL

..... Petitioner

Through: None

versus

DIRECTORATE OF ENFORCEMENT & ANR. Respondents

Through: Mr.Zoheb Hossain, Spl. Counsel,
Mr.Manish Jain, SPP with Mr.Vivek Gurnani,
Ms.Sougata, Ms.Snehal and Mr.Mohit, Advocates
Mr.Kapil Sibal, Sr. Advocate with Mr.Tanveer
Ahmed Mir, Mr.Yash Datt, Mr.Shashwat Sarin,
Mr.Md.Imran Ahmed and Ms.Ariana Ahluwalia,
Advocates for respondent No.2

+ CRL.M.C. 3028/2024 and CRL.M.A. 11667/2024

DIRECTORATE OF ENFORCEMENT

..... Petitioner

Through: Mr.Zoheb Hossain, Spl. Counsel,
Mr.Manish Jain, SPP with Mr.Vivek Gurnani,
Ms.Sougata, Ms.Snehal and Mr.Mohit, Advocates
versus

RAM KISHORE ARORA

..... Respondent

Through: Mr.Kapil Sibal, Sr. Advocate with
Mr.Tanveer Ahmed Mir, Mr.Yash Datt,



Mr.Shashwat Sarin, Mr.Md.Imran Ahmed and
Ms.Ariana Ahluwalia, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
23.04.2024

%

1. By way of present petitions, the Enforcement Directorate (‘ED’) as well as one of the complainants/victims seek to assail the order dated 16.02.2024 and 16.03.2024, vide which the interim bail earlier granted to *Ram Kishore Arora* (hereinafter, the ‘respondent’) was extended in ECIR No. STF/21/2021.
2. Learned SPP for ED submits that while the respondent’s application seeking default and regular bail stands dismissed, the respondent was granted interim bail by the learned Special Court on 16.01.2024 for a period of 30 days, which was extended for another period of 30 days vide order dated 16.02.2024. The said interim bail was further extended for a period of 6 weeks by order dated 16.03.2024. He submits that the benefit of interim bail was granted to the respondent to undergo conical spine surgery for his cervical spondylitis, however, he has not undergone the same till date. It is further submitted that while extending the benefit of the said interim medical bail, the learned Special Court failed to appreciate that the respondent is visiting doctors as per his own convenience and his condition is not life threatening. It is also contended that the requisite treatment can be provided by any of the jail referral hospitals.
3. The petitions are resisted on behalf of respondent/*Ram Kishore Arora*. Mr. Sibal, learned Senior Counsel submits that after the grant of the interim bail on 16.01.2024, the respondent was evaluated for undergoing the conical



spine surgery, however, the same could not be performed for lack of 'Pre-Anesthesia Checkup (PAC)' clearance, on account of certain coronary complications. The respondent was advised to undergo CT Coronary Angiography, which was duly undertaken on 05.03.2024. Consequent to the said Angiography, it was discovered that he is a case of CAD RADS 3, which means that his arteries showed substantial blockage (upto 50-70%). He was also diagnosed as suffering from GERD and Vertigo.

4. In rejoinder submissions, learned SPP submits that as many as 26 FIRs have been registered against *M/s Supertech Limited* and its group of companies by the EOW, Delhi Police, Haryana Police and U.P. Police under Section 120B read with Sections 406/420/467/471 IPC. Allegations in the said FIRs pertain to cheating committed against approximately 670 homebuyers for an amount approximating Rs.164 crores. The present ECIR came to be registered under Section 44 read with Section 45 of the Prevention of Money Laundering Act, 2002 ('PMLA') for commission of offence of money laundering, as defined under Section 3 read with Section 70, and which is punishable under Section 4 of the Act. Further, cognizance of the offence has already been taken and the matter is stated to be listed for scrutiny of the documents.

5. I have heard learned counsels for the parties and have also gone through the case records. While the ED contends that the respondent is not suffering from any life-threatening disease and that he can be managed by the jail referral hospital and further that he is deliberately not undergoing the requisite treatment, on the other hand, on behalf of the respondent/*Ram Kishore Arora*, it is argued that he is facing multiple health issues and the same justifies extension of the medical interim bail. Admittedly, the



respondent was initially granted interim bail on 16.01.2024 to undergo conical spine surgery, and approximately three months have gone by and the surgery is yet to be performed. The respondent's interim medical bail is stated to expire on 26.04.2024.

6. Considering that the petitioner/ED has raised doubts upon the conduct of respondent/*Ram Kishore Arora* for not undergoing the requisite surgery for which he was granted interim bail, it is deemed apposite if a Medical Board is constituted to undertake proper evaluation of respondent's medical condition. Consequently, the Director, AIIMS is requested to constitute a Board immediately.

7. The I.O. is directed to appear before the Director, AIIMS alongwith a copy of this order and the requisite medical documents of the respondent annexed with the petition for constitution of the said Board. Once the Board is constituted, the I.O. shall coordinate and inform the respondent about the date of his appearance before the Board. The Board shall endeavour to examine the respondent at the earliest and submit a report within a period of one week, which shall specifically state as to whether the respondent's condition is such that he can be treated in the prison or not.

8. In view of the above, the present petitions are disposed of alongwith the pending applications.

Dasti.

MANOJ KUMAR OHRI, J

APRIL 23, 2024

na