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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7446/2024**

DIRECTORATE OF ENFORCEMENT

.....Petitioner

Through: Mr. Zoheb Hossain, Special Counsel
for ED, Mr. Vivek Gurnani panel
Counsel for ED, Mr Kunal Kochar
Advocate, Mr. Sai Manik Sud,
Advocates.

versus

SUNIL MANGELAL AGARWAL

.....Respondent

Through: Mr. Vaibhav Suri, Mr. Saud Khan,
Mr. Shikhar Sharma, and Mr. R. Jude
Rohit, Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **07.10.2024**

CRL.M.A. 28424/2024 (Exemption).

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 7446/2024 & CRL.M.A. 28423/2024 (Stay).

3. The instant petition under Section 483(3) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) has been filed on behalf of the petitioner challenging the impugned order dated 31st August, 2024 passed by learned Additional Sessions Judge 06, Patiala House, District Court, New Delhi in IA No. 9/2024 in CC No. 112/2022 *vide* which the respondent/accused was granted bail.
4. Mr. Zoheb Hossain, learned special counsel appearing on behalf of the petitioner, on instructions, submitted that he is not pressing prayer "A"



of the instant petition for cancellation of the bail which was granted to the respondent vide order dated 31st August, 2024 passed by the learned ASJ.

5. It is submitted that the learned ASJ has made some observations/remarks against Mr. Mayank Arora, i.e., Investigating Officer (“IO” hereinafter) in paragraph nos. 43 to 45 of the impugned order and it is prayed that the same may be expunged on the basis of the grounds made in the instant petition from paragraph no. “V to AA”.

6. Learned counsel appearing on behalf of the respondent, on instructions, submitted that he has no objection for expunging the remarks made against the IO by the learned ASJ while passing the impugned order.

7. Heard learned counsel appearing on behalf of the parties and perused the material available on record.

8. Learned counsel appearing on behalf of the petitioner, on instructions, has not pressed the instant petition *qua* prayer “A” for setting aside the impugned order passed by the learned ASJ while granting bail to the respondent, rather, he has only pressed for expunging the remarks made by the learned ASJ in paragraph nos. 43-45 of impugned order against the IO.

9. Learned counsel appearing on behalf of the respondent, on instructions, has no objection to the prayer made on behalf of the learned special counsel appearing for the petitioner.

10. In view of the above facts and circumstances, and submissions made by the learned special counsel appearing on behalf of the petitioner as well as no objection given on behalf of the learned counsel for the respondent, the remarks made against the IO by the learned ASJ in paragraph nos. 43 to 45 of the impugned order are hereby expunged.

11. Accordingly, the instant petition is partly allowed to the aforesaid



extent and stands disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

OCTOBER 7, 2024

rk/ryp

[Click here to check corrigendum, if any](#)