

2025.PHHC:072317



221.

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

CRM-M-26422-2025

Date of decision: 27.05.2025

Arif Nisar

.... Petitioner

Versus

Directorate of Enforcement

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Pandey, Advocate, for the petitioner
(through Video Conferencing).

Mr. Satya Pal Jain, Senior Panel Counsel, for respondent-ED
(through video conferencing) with Ms. Meghna Malik,
Advocate.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 BNSS, 2023 read with Section 45 of PMLA, is for grant of interim bail for a period of 4 weeks to the petitioner in case bearing No.ECIR/JLZO/26/2024, dated 25.11.2024, under Section 19(1) of Prevention of Money Laundering Act, 2002, registered at District Jalandhar, on medical grounds.

2. On the last date of hearing i.e. 14.05.2025, the following order was passed:-

“Learned counsel for the petitioner *inter alia* contends that the petitioner is suffering from a degenerative eye ailment, for which he requires immediate medical attention.”

3. In addition, learned counsel for the petitioner has also contended that the petitioner continues to suffer from various age-related

and life endangering medical ailments. While drawing the attention of this Court to Annexure P-2, it has been submitted by the learned counsel that the petitioner is also suffering from Obstructive Sleep Apnoea and has been prescribed Auto CPAP machine. It has been asserted that the petitioner satisfies the test of proviso to Section 45(1) of the PMLA and is squarely covered under the provisions as he is seriously ill.

4. In compliance of order dated 14.05.2025, reply has been filed on behalf of respondent-ED in Court today, which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

5. Learned senior counsel appearing on behalf of respondent-ED has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the medical report annexed with its reply. It has been submitted that there is categorical opinion in the medical report which are contrary to the submissions made by the counsel for the petitioner that the petitioner is suffering from life threatening medical ailments etc. It has been further submitted that in view of the report received from Medical Officer, Central Jail, Kapurthala and after due verification of the medical condition of the petitioner from all the specialist doctors, the petitioner does not satisfy the twin conditions laid down in proviso to Section 45(1) of PMLA and, therefore, the present petition deserves to be dismissed. In addition, it has also been submitted that there are serious and direct allegations against the petitioner of money laundering.

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

7. In light of the reply filed by the Enforcement Directorate, this Court is not inclined to extend the concession of bail to the petitioner more so when the petitioner, even as per the doctors, does not require any urgent medical intervention. However, at the same time, this Court recognizes the fundamental right of the petitioner to health enshrined under Article 21 of the Constitution of India and, therefore, it is made clear that in case it is advised, the petitioner shall be provided adequate medical facilities, including regular follow-up checks.

8. Needless to add, in case of any medical emergency, the jail authorities would ensure that the petitioner is immediately provided the requisite medical treatment.

9. Accordingly, the present petition is dismissed.

10. 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.

**(MANJARI NEHRU KAUL)
JUDGE**

May 27, 2025

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No