



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

CRM-M-34328-2025

Date of decision: 9th July, 2025

Sanjeev Bindal

... Petitioner

Versus

Deputy Director, Directorate of Enforcement, Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sushil K. Bhardwaj, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is challenging order dated 02.01.2025 passed by the Court of learned Special Judge, PMLA Court, Chandigarh vide which his application seeking the concession of anticipatory bail under Section 482 of BNSS in ECIR No.CDZO-I/15/2023 dated 26.10.2023 under Sections 3 & 4 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as, 'PMLA') has been rejected.

2. Learned counsel for the petitioner submits that the petitioner is a reputed Real Estate Developer with a long standing presence in the Industry, and has no direct nexus with the alleged predicate offence, i.e. FIR No.116 of 2023. On the contrary, it is asserted that the petitioner had actively brought certain financial irregularities in the functioning of Haryana Shahari Vikas Pradhikaran (HSVP) to the notice of higher authorities, thereby acting as a whistleblower rather than a participant in any criminal activity.

3. It is further submitted that the petitioner has cooperated with the Investigating Agency to the extent possible. However, due to a serious spinal injury, he is presently bedridden and unable to appear in person before the authorities. Emphasis is placed on the proviso to Section 45 of the PMLA which carves out an exception for granting bail to persons who are sick or infirm.

4. On being put to notice, Mr. Satya Pal Jain, Addl. Solicitor General of India assisted by Ms. Megha Malik & Mr. Vineet Mishra, Advocates has appeared for the Enforcement Directorate and raised a preliminary objection regarding the maintainability of the present petition, on the ground that the petitioner is not yet named as an accused in the impugned ECIR. It is submitted that the petitioner has merely been summoned under Section 50 of the PMLA for recording his statement in aid of the ongoing investigation.

5. It has been further contended that despite being served with multiple summons since January 2024, the petitioner has failed to comply, and has not appeared before the authorities even after being offered the option of having his statement recorded at his own residence, considering his medical condition. The learned Addl. Solicitor General has further submitted that the Investigating Agency has made all reasonable accommodations, but the petitioner has repeatedly evaded lawful process without just cause. It has been still further urged that what is sought through the present proceedings is not anticipatory bail in the conventional sense, but a blanket order insulating the petitioner from any future coercive action, which is legally impermissible.

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

7. At the outset, it is not disputed that the petitioner is not presently arrayed as an accused in the ECIR in question. What is sought through the present petition is a protective direction in anticipation of possible future proceedings, without there being any crystallized or imminent threat of arrest. The petitioner is, at this stage, a person of interest whose statement is being sought under Section 50 of the PMLA for the purpose of inquiry.

8. The Hon'ble Supreme Court has consistently held that anticipatory bail is not intended to operate as a shield against all lawful processes of investigation, particularly when no formal accusation or arrest is imminent. The scope of Section 438 Cr.P.C./482 BNSS does not extend to granting speculative or blanket protection in the absence of any concrete apprehension of arrest. More significantly, the record reveals that the petitioner has failed to respond to repeated summons issued by the Directorate of Enforcement since January 2024. Despite specific accommodation offered by the Investigating Officer – including willingness to record the statement at the residence of the petitioner – no earnest effort has been made by the petitioner to participate in the investigation or to demonstrate genuine inability to comply. The conduct of the petitioner, viewed in totality, does not inspire confidence in his bona fides.

9. The invocation of the proviso to Section 45 of the PMLA is, at this stage, misplaced. The set proviso contemplates consideration of sickness or infirmity at the stage of bail, provided a person has first satisfied the twin conditions under Section 45(1) of PMLA. In the present case, where the petitioner is neither an accused nor is there any

imminent coercive action initiated against him, the benefit of the said proviso cannot be invoked to pre-empt lawful investigation.

10. The petition, in its essence, seeks to preclude the Investigating Agency from even summoning the petitioner under Section 50 of PMLA, and to place a blanket bar against any future coercive steps. Such a sweeping relief cannot be granted at the threshold stage, in the absence of any formal accusation, non-cooperation with the investigation, and without adherence to the legal framework under the PMLA.

11. In view of the foregoing discussion, no ground is made out for interference in the impugned order. The petition is accordingly dismissed. Needless to observe, the Investigating Agency shall continue to proceed strictly in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

July 9, 2025
rps

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