



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

211

CRM-M-48718-2024

Date of decision: September 24th, 2025

Varinder Pal Singh Dhoot

.....Petitioner

Versus

Directorate of Enforcement

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harshit Sethi and Mr. Rahil Mahajan, Advocates
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Ms. Meghna Malik, Senior Panel Counsel
for the respondent-ED.

MANJARI NEHRU KAUL, J.

This is the third petition filed by the petitioner seeking the concession of regular bail in complaint case COMA-03-2023 dated 16.06.2023 arising out of ECIR/JLZO/07 Unit 4(1)/120/1024 dated 30.03.2021 for an offence under Section 3 punishable under Section 4 of Prevention of Money Laundering Act, 2002 (hereinafter referred to as 'PMLA').

2. On the last date of hearing, this Court had passed the following order:

“Learned counsel for the petitioner submits that the petitioner was granted interim bail vide order dated 27.05.2025 in the following terms:-

“Learned counsel for the respondent-ED has placed on record the Medical Board Report received from PGIMER Chandigarh, the relevant part of which is reproduced hereinunder:-

“The patient's baseline creatinine while under PGIMER follow up was 1.7-1.8 mg% and has shown episodes of rise and fall. He has developed high degree of protein loss in urine upto 03 gm/day. A biopsy showed possible recurrence of his previous renal illness. Overall his renal function has deteriorated.”

In addition to the prayer made by learned counsel for the petitioner for grant of bail to the petitioner on grounds of his failing medical health, a prayer has also been made by learned counsel for extending the concession of bail to the petitioner on merits since there can now be no possibility of the petitioner tampering with evidence, which is all part of the challan. It has been further urged that the petitioner also deserves the concession of regular bail on account of the fact that investigation qua him is complete with the challan already having been presented way back on 16.06.2023.”

3. It was further submitted on the last date that the condition of the petitioner had deteriorated, with his creatinine level touching 2.9 mg/dL (just below level 3), and in case it crosses 3 mg/dL, he would require dialysis. Photocopies of the latest medical reports were placed on record. Learned senior counsel for the respondent-ED had not disputed that the petitioner was granted bail on medical grounds, vide order dated 27.05.2025, but sought fresh evaluation from PGIMER, Chandigarh, by a Board of Doctors. It was also brought to the notice of this Court, that during the interregnum, the petitioner had been arrested in a fresh case FIR No.28 dated 17.06.2025 by Vigilance Bureau, Punjab, and is presently lodged in Central Jail, Kapurthala, while undergoing treatment at Guru Nanak Dev Hospital, Amritsar.

4. Accordingly, vide the said order, this Court requested the Director, PGIMER Chandigarh, to constitute a Board of Doctors to evaluate

the medical condition of the petitioner and opine whether the same could be managed in jail. The State of Punjab was also directed to ensure that the petitioner is produced for the said evaluation.

5. In compliance, learned ASG appearing for the ED has placed on record the Medical Board report dated 23.09.2025, comprising four doctors, headed by Professor Deepesh. B. Kenwar, Department of Renal Transplant Surgery, along with specialists from the Department of Nephrology, Department of Internal Medicine, and Department of Hospital Administration, PGIMER, Chandigarh.

The report reads thus:

“Medical Board Report

In pursuance of the request received from Assistant Director, Directorate of Enforcement, Govt. of India, Jalandhar and Superintendent Kapurthala Jail as per the orders of Hon'ble High Court of Punjab and Haryana. Chandigarh, a Medical Board consisting of the following doctors is hereby constituted for medical examination in CRM-M-48718-2024 (O&M) case titled as Varinderpal Singh Dhoot Vs. Directorate of Enforcement:

- 1. Prof. Deepesh. B. Kenwar, Department of Renal Transplant Surgery - Chairperson*
- 2. Dr. Raja Ram Chandran, Associate Professor, Department of Nephrology - Member*
- 3. Dr. Neeraj Singla, Assistant Professor, Department of Internal Medicine Member*
- 5. Dr. Sumit Kumar Sangat, Senior Resident, Dept. of Hosp. Administration - Convener*

The meeting of the medical board was held on 23.09.2025 at 03.00 p.m. in the Committee Room, Medical Superintendent Office, PGIMER Chandigarh. The Medical board reviewed the medical records of Mr. Varinderpal Singh Dhoot during the meeting.

With regard to the background medical condition of the patient it is noted that the patient underwent a second kidney transplant (for failed 1st transplant which was done for renal failure of undiagnosed

cause) under intense immunosuppression. Over time the second transplanted kidney also appears to be gradually failing as patient has protein loss in urine, rising serum creatinine, uncontrolled severe hypertension and other feature of a failing kidney. This gradually progressive course of renal failure has been punctuated by episodes of acute illnesses including episodes of diarrhoea, vomiting, fever and fluid retention requiring multiple admissions in hospital and antibiotic therapy.

Current admission in PGIMER Chandigarh has been noted to be with diarrhoea, vomiting, high grade fever, hypertension and raised serum creatinine. At the moment patient is ill and requires treatment in hospital till discharge by treating team therefore not manageable in jail. Further opinion can be given after a review by the treating team after discharge. However given the past course of illnesses patient is likely to continue to have similar acute illnesses requiring specialist care and further follow up.

Members of the Medical Board who reviewed the case:

S.No.	Name	Medical Board	Signature
1.	Prof. Deepesh. B. Kenwar Department of Renal Transplant Surgery	Chairperson	
2.	Dr. Raja Rama Chandran Additional Professor Department of Nephrology	Member	
3.	Dr. Neeraj Singla Associate Professor Department of Internal Medicine	Member	
4.	Dr. Sumit Kumar Sangat Senior Resident Department of Hosp. Administration	Convener	

Date and Time:23.09.2025 at 03.00 p.m.”

6. A copy of the said report has been provided to learned counsel for the petitioner.
7. Learned counsel for the Petitioner submits that even as per the latest report dated 23.09.2025, the condition of the petitioner is critical and

not manageable in jail. He contends that the petitioner, aged more than 50 years, has undergone consecutive renal transplants, both of which failed over time, resulting in serious medical complications and deterioration.

8. It is urged that the case of the petitioner falls squarely under the first proviso to Section 45 of the PMLA, which permits relaxation of twin conditions where the accused is a minor below 16 years, a woman, sick, or infirm. The petitioner, being undeniably “sick” as per the medical reports, is thus entitled to bail.

9. On merits, it has been argued, that investigation is complete, prosecution complaint has already been presented, charges have been framed, and yet, even prosecution evidence has not commenced. Trial is not likely to conclude in the near future.

10. It is further contended that the petitioner has not misused the concession of interim bail granted to him on several occasions earlier, and, therefore, extension of regular bail is justified.

11. *Per contra*, learned ASG appearing for the ED has opposed the prayer made for extending the concession of bail, reiterating the gravity of allegations against the petitioner. It has been submitted that as per the allegations levelled in the ECIR (Annexure P-7), the petitioner, while posted as Naib Tehsildar, Mohali, played a pivotal role in the large-scale misappropriation of village *shamlat* land.

12. Learned ASG appearing for the ED has further submitted that pursuant to the order dated 01.07.2016 of the Additional Deputy Commissioner (Development), Mohali, directing distribution of 1295 acres, 5 *kanals*, 10 *marlas* of *shamlat* land of Village Seonk, Tehsil Majri was prepared by Iqbal Singh, Patwari on 05.09.2016, verified by Raghbir Singh, Kanungo, and approved by the petitioner on 28.09.2016 in his capacity as

Naib Tehsildar.

13. During the distribution process, the petitioner, after conspiring with other revenue officials, private persons, and members of the “land mafia”, fraudulently allotted land in excess of legitimate share to certain beneficiaries, both eligible and ineligible, in exchange for hefty illegal gratification. Thereafter, the proceeds from the wrongful allocation and sale of excess land, as well as the bribes collected by the officials, were laundered through various bank accounts and utilised for acquisition of properties for their personal enrichment. It has been, therefore, asserted by the learned senior counsel appearing for ED that it is evident that the petitioner along with co-accused abused his official position thereby causing wrongful loss to the State Exchequer to the tune of approximately ₹51,10,08,919/-.

14. However, he fairly concedes that the medical condition of the petitioner is indeed precarious, continues to deteriorate, and falls within the exception carved under Section 45 of PMLA. He has not disputed that the petitioner, in view of the latest medical report received from PGIMER, Chandigarh, qualifies as “sick” within the meaning of the proviso to Section 45 of PMLA. He has also not been able to dispute that the trial is still at its initial stage.

15. Learned ASG appearing for the ED prays that, in view of the gravity of the offence, stringent conditions may be imposed upon the petitioner if this Court is inclined to grant bail on medical grounds.

16. I have heard learned counsel for the parties and carefully perused the record.

17. A bare perusal of the latest Medical Board report dated 23.09.20225 reveals that the petitioner, aged more than 50 years, is

suffering from serious medical ailments including failed kidney transplants and consequential complications. The medical report notes possibility of petitioner continuing to suffer from acute illnesses necessitating specialist care and regular follow ups, and categorically records that his condition is not manageable in jail.

18. Section 45 of the PMLA places a statutory embargo on grant of bail. However, the first proviso thereto carves out exceptions for specific categories of accused:

- (i) below 16 years of age;
- (ii) women;
- (iii) sick;
- (iv) infirm;
- (v) or where the sum involved is less than ₹1 crore.

19. The petitioner clearly falls within the category of “sick”.

20. The Hon’ble Supreme Court has consistently held that the right to health is a facet of the fundamental right to life under Article 21 of the Constitution of India, which prevails even over statutory restrictions of a special statute.

21. It is undisputed that investigation in the present case is complete, the prosecution complaint has been filed, and charges have been framed. Prosecution evidence has not even commenced, and, therefore, conclusion of trial is not foreseeable in the near future.

22. The failing medical health of the petitioner has been fairly conceded by learned ASG appearing for the ED. It is also not disputed that the petitioner satisfies the threshold of “sick” under section 45 PMLA.

23. In these circumstances, continued incarceration of the petitioner would amount to denial of his right to health and life. This Court

is, therefore, of the considered view that the petitioner, in view of his critical medical condition, deserves to be enlarged on bail.

24. Accordingly, the instant petition is allowed.

25. The petitioner is admitted to bail subject to any stringent conditions as the learned Special Court/Court concerned may deem fit to be imposed in the facts and circumstances as well as the allegations levelled against the petitioner.

26. 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.

September 24th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No