



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

CRM-M-73084-2025 (O&M)

Dharam Singh Chhoker

...Petitioner

Versus

Directorate of Enforcement

...Respondent

1	The date when the judgment is reserved	23.02.2026
2	The date when the judgment is pronounced	08.04.2026
3	The date when the judgment is uploaded on the website	08.04.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vikram Chaudhri, Senior Advocate, with
Ms. Hargun Sandhu, Advocate, and
Mr. Rishab Tewari, Advocate, for the petitioner.

Mr. Zoheb Hossain, Special Counsel,
(through video conferencing), with
Mr. Lokesh Narang, Senior Panel Counsel,
Mr. Kaushlendra Vikram, Advocate,
Ms. Shubhleen Dhariwal, Advocate,
Mr. Rajeev, Advocate, and
Mr. Lehar Saraf, Advocate, for the respondent-ED.

TRIBHUVAN DAHIYA, J.

The petition has been filed seeking regular bail to the petitioner in prosecution complaint No.COMA 09 of 2024, dated 27.06.2024, and



supplementary prosecution complaint No.COMA 12 of 2025, dated 01.07.2025, in ECIR/GNZO/20/2021 dated 16.11.2021, for commission of offence under Section 3, punishable under Section 4 of the Prevention of Money Laundering Act, 2002 (for short, 'the PMLA'), arising out of scheduled/predicate offence in case FIR No.0011, dated 14.01.2021, registered under Sections 120-B, 406, 420, 467, 468 and 471 IPC at Police Station Sushant Lok, Gurugram.

2. As per allegations in the FIR, M/s Sai Aaina Farms Pvt. Ltd. (SAFPL), presently known as M/s Mahira Infratech Pvt. Ltd., is controlled by the Chhoker family, led by petitioner Dharam Singh Chhoker and his sons Sikander Singh and Vikas Chhoker. The companies of Chhoker family are known by the name of Mahira Group. SAFPL is one of the several companies under the Mahira Group. It undertook the project of building flats at Sector 68, Gurugram, under the affordable group housing project and applied for relevant license/permission to the Department of Town and Country Planning (DTCP), which issued license no.106/2017 to it in 2017 based on the documents/bank guarantees provided. The license was to build around 1500 flats in about ten acres of land; the project was to be completed by 2021-22. After obtaining license, the SAFPL started the bookings and collected around ₹363 crores from 1500 home buyers. Despite receiving substantial part of payments from the home buyers, the construction work remained too slow to meet the promised deadlines. There were allegations of diversion and misutilisation of funds. The petitioner with co-accused statedly collected, siphoned off and laundered proceeds of crime amounting ₹616 crore. It is also alleged that forged bank guarantees had been submitted by the SAFPL to DTCP against External Development Charges and Internal Development



Work, and the accused/petitioner directly or indirectly indulged in criminal conspiracy, cheating and forgery leading to commission of offences alleged.

2.1. This led to registration of the aforementioned FIR against the SAFPL, Sikander Singh and Vikas Kumar, Director-Promoters, along with other Directors and officers of the Company. On these revelations, an Enforcement Case information Report (ECIR) bearing no. ECIR/GNZO/20/2021, dated 16.11.2021, was registered at Gurugram Zonal Office of the respondent-Directorate of Enforcement (for short, 'the ED') under the PMLA, as it was found that *prima facie* case for commission of offence of money laundering was made out against the petitioner and other accused on the basis of aforementioned FIR pertaining to the scheduled offences.

2.2. During investigation, it came to the notice of the ED that there were various other complaints pending against the Mahira Group of companies with respect to the same project, and other FIRs have also been registered against the petitioner and other Directors. Four FIRs were taken on record by the ED for comprehensive investigation, which are - (i) FIR No.175, dated 18.05.2022, under Section 10 of the Haryana Development and Regulation of Urban Areas Act, 1975, Sections 120-B, 201, 420, 467, 468 and 471 IPC, registered at Police Station Rajendra Park, Gurugram; (ii) FIR No.151, dated 31.05.2023, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Rajendra Park, Gurugram; (iii) FIR No.152, dated 01.06.2023, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Rajendra Park, Gurugram; and (iv) FIR No.151, dated 05.07.2023, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Sushant Lok, Gurugram. But the petitioner could not be arrested.



2.3. During the investigation by the ED, the facts regarding involvement of the petitioner came to light which have been explained in detail in the reply filed on its behalf; the relevant extract whereof reads as under:

80. Dharam Singh Chhoker was/is the director in the below mentioned companies for the time period mentioned below:

Sr. No.	Company Name	Designation	Date of Appointment at Current Designation	Date of cessation (if applicable)
1	DS Estates & Construction Private Limited	Director	02.07.2007	30.09.2009
2	Mahira Homes Private Limited	Director	17.11.2016	15.11.2017
3	DS Homes Construction Private Limited	Director Director	31.08.2012 02.12.2019	15.03.2017 10.07.2021
4	DSC Estate Developers Private Limited	Director	03.11.2010	18.12.2014
5	DS Homes Private Limited	Director	04.06.2020	10.07.2021
6	Mahira Buildtech Private Limited	Director	17.11.2016	19.04.2018

81. The above-mentioned companies are the associate concerns of Mahira Group. M/s Mahira Homes Pvt Ltd is the holding company of all the project companies i.e. being developed by M/s Sai Aaina Farms Pvt Ltd, M/s Mahira Buildtech Pvt Ltd and M/s Mahira Buildwell Pvt Ltd. which are developing the projects at Sector 68, Sector 103 and Sector 104 of Gurugram, respectively.

82. It is further pertinent to mention herein that the project companies i.e. M/s Sai Aaina Farms Pvt Ltd, M/s Mahira Buildtech Pvt Ltd and M/s Czar Buildwell Pvt Ltd provided the



loans and advances to M/s DS Home Construction Pvt Ltd. The details of the same are as under (Balance sheets for F.Y. 2019-20, 2020-21 and 2021-22 of M/s Sai Aaina Farms Pvt Ltd (RUD - FPC), Balance Sheets of M/s Mahira Buildtech Pvt Ltd and M/s Czar Buildwell Pvt Ltd:

Name of Company	As on 31.03.2020	As on 31.03.2021	As on 31.03.2022
M/s Sai Aaina Farms Pvt. Ltd.	26,53,72,994	29,83,14,602	48,63,98,102
M/s Mahira Buildtech Pvt. Ltd.	6,70,27,827	12,89,95,377	31,23,03,604
M/s Czar Buildwell Pvt. Ltd.	-	31,75,94,871	80,49,56,004

83. From the above table, it is clearly seen that the loans and advances taken by M/s DS Home Construction Pvt Ltd from above mentioned project companies, has been increasing year on year and the same has not been used for the construction of the projects of home buyers for which it was collected and the same were siphoned off. M/s Sai Aaina Farms Pvt Ltd, M/s Mahira Buildtech Pvt Ltd, M/s Czar Buildwell Pvt Ltd and its associated persons by conniving with M/s DS Home Construction Pvt Ltd siphoned off the above money of home buyers in the form of loans and advances and used this money for unintended purpose i.e. for purchasing the properties in its name or in the name of M/s DS Home Construction Pvt Ltd and other associate concerns/persons for personal gains or for personal expenditure like for purchasing the vehicles, jewellery, wedding expenses etc instead of constructing the flats of affordable housing projects of Mahira Group.

84. A number of transactions were made from the accounts of M/s DS Home Construction Pvt Ltd, during the period of 2020, when Shri Dharam Singh Chhoker was one of the directors and having the significant influence over the affairs of the company. In this regard, the payments were made to M/s Hazoorilal



Jewellers Pvt Ltd from the account of M/s DS Home Construction Pvt Ltd (Account no. 50200003495224, maintained with HDFC Bank) during the directorship period of Dharam Singh Chhoker: ... (Cash returned about 9.01 Crores in July-August 2020]

85. The above fact of returning the cash has also been confirmed by Shri Sandeep Narang, Director M/s Hazoorilal Jewellers Pvt Ltd during his statement recording under section 16 of PMLA, 2002 on 26.07.2023.

86. Further, during the custodial interrogation, Shri Dharam Singh Chhoker was confronted with Shri Sandeep Narang (director of M/s Hazoorilal Jewellers Pvt Ltd), wherein Shri Sandeep Narang stated that Shri Dharam Singh Chhoker came to his shop for buying the jewellery and in this regard Shri Sandeep Narang also submitted the invoices to that effect.

87. It is pertinent to mention herein that the bogus purchases were done to the tune of Rs. 56 Crore (approx.) by M/s Sai Aaina Farms Pvt Ltd and M/s D S Home Construction Pvt Ltd after receiving the payments from home buyers for Project Mahira Homes 68, Gurugram. Wherein the payments were transferred to the entities through banking transactions and further cash amount were received back by Chhoker family. The cash amounts received by the Chhoker families in lieu of the bogus billings, were utilized for their cash expenses as evident in the excel file "cement vendor2" retrieved from the laptop (make Dell, Model-P87G, SN-GF42902) which was seized at S. No. B-17 of RUD B to the panchnama drawn during the search operation on 31.07.2023 at premises of 301, Third Floor, Global Foyer Mall, Gurugram. A detailed investigation in respect of these bogus billings has been elaborated in the First Prosecution Complaint.

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99. During the investigation, it is gathered that Shri Dharam Singh Chhoker was actively involved in the day-to-day affairs of M/s DS Home Construction Pvt Ltd. In this regard, Shri Dharam



Singh Chhoker signed the balance Sheets of M/s DS Home Construction Pvt Ltd for the period of F.Y. 2019-20, which indicates that he was completely in knowledge of the transactions and day to day affairs, being carried out in M/s D S Home Constructions Pvt Ltd.

2.4. Further, it has also been mentioned in the reply that the petitioner evaded the process of law during the earlier stages of investigation and failed to appear despite multiple summons having been issued to him, followed by six non-bailable warrants issued by the Special Court, Gurugram, which are part of the judicial records. List of those summons and warrants against the petitioner are as under:

List of summons given to the petitioner

Sr. No.	Date of Issue	Status of Compliance
1	27.07.2023	No Compliance
2	28.07.2023	No Compliance
3	29.07.2023	No Compliance
4	30.07.2023	No Compliance
5	01.08.2023	No Compliance
6	04.08.2023	No Compliance
7	08.08.2023	No Compliance
8	10.08.2023	No Compliance
9	17.08.2023	No Compliance
10	28.08.2023	No Compliance
11	05.09.2023	No Compliance
12	21.10.2023	No Compliance
13	07.05.2024	No Compliance
14	10.05.2024	No Compliance
15	17.05.2024	No Compliance



16	27.11.2024	No Compliance
17	09.12.2024	No Compliance

List of warrants of arrest issued against the petitioner

Date of warrant of arrest	Report of this office	Date of attempts made by police authorities
04.10.2023	Made attempts on 09.03.2024 and 11.03.2024 after the decision of High Court. However, he was not found at the house.	Request letter dated 11.03.2024 was issued.
20.03.2024	Made attempts on 28.03.2024 and 04.04.2024, not found at home as he was not there since 26.02.2024.	Report dated 03.04.2024, not found at residence even after multiple attempts.
06.04.2024	As per directions of Hon'ble Supreme Court, Dharam Singh Chhoker appeared on 12.04.2024.	
30.05.2024	Made efforts 2-3 times to execute the arrest warrant at his house. But not found.	Made efforts 9-10 times to execute the arrest warrants but not found at his house, his village-Samalkha etc.
09.01.2025	Made efforts 2-3 times to execute the arrest warrant at his house. But not found.	Made efforts 9-10 times to execute the arrest warrants but not found at his house, his village-Samalkha etc.
24.01.2025	Made efforts 2-3 times to execute the arrest warrant at his house. But not found.	Made efforts 9-10 times to execute the arrest warrants but not found at his house, his village-Samalkha etc.

2.5. At that stage, a writ petition, CWP-25140-2024, was filed before this Court by one Virender Singh son of Bharat Singh Chhoker, who was aspiring to contest election to the Haryana Legislative Assembly from the



constituency from where the petitioner had contested, seeking the latter's arrest. The petition was allowed by the Division Bench vide judgment and order dated 23.10.2024, by directing as under:

35. For all the above stated reasons, this Court finds merit in the instant petition, and, is constrained to allow it. Consequently, the instant petition is allowed to the extent that the Enforcement Directorate is directed to, unless the order passed by this Court on 28.05.2024 upon CRM-M-26190-2024, thus is either stayed or quashed by the Apex Court, thus forthwith arrest respondent No.5-Dharam Singh Chhoker.

2.6. After the direction by the Division Bench, again an application was filed by the ED seeking issuance of open-ended non-bailable warrants against the petitioner. The Special Judge issued the same vide order dated 24.01.2025, by observing as under:

However, keeping in view the observations of the Hon'ble High Court in the matter in hand in CWP No.25140 of 2024(O&M) titled as Virender Singh Versus State of Haryana and another, date of decision 23.10.2024, to facilitate the officers of applicant-Directorate of Enforcement to arrest the respondents from other State, fresh open-ended non-bailable warrants against respondents-Dharma Singh Chhoker and Vikas Chhoker be issued, if so desired.

2.7. In these circumstances, the ED officials found the petitioner at Shangri-La Hotel, New Delhi, on the evening of 04.05.2025. On being shown the warrants of arrest, he tried to flee from there and could only be apprehended after hot pursuit from near the entrance of the Hotel with the help of personnel from the Delhi Police and the hotel security staff. A scuffle ensued between him and the ED officials who had come to arrest him; there are allegations and counter-allegations of manhandling and beatings etc. Both



sides have lodged FIRs against each other in this regard and the cases are pending adjudication.

2.8. The petitioner challenged his arrest before this Court by filing CRWP No.5261 of 2025, which was rejected vide judgment dated 11.09.2025. Along with this petition, he filed a regular bail petition also, CRM-M-27972-2025, which was disposed of granting him liberty to approach the Court of Session. Accordingly, he filed an application for regular bail before the Sessions/Special Judge which was dismissed vide order dated 16.12.2025.

2.9. It also needs a mention that cognizance of the offence was taken by the Special Judge vide order dated 05.12.2024. The same was challenged by the petitioner's son by filing CRM-M-29954-2025 on the ground that pre-cognizance hearing was not afforded to the accused before passing the order which violated the mandate of Section 223(1) BNSS. The petition was allowed by this Court vide judgment dated 29.07.2025 with the following directions:

9. In view thereof, the impugned orders, dated 22.11.2024 and 05.12.2024, are set aside directing the Special Judge under the PMLA to pass a fresh order after affording an opportunity of hearing to the petitioner in terms of first proviso to Section 223(1) BNSS, within a period of eight weeks of receiving a certified copy of this order.

In compliance thereof, the Special Judge afforded opportunity of hearing to the petitioner and was asked to address arguments. However, as apparent from the order dated 04.09.2025, the arguments were not advanced on the ground that one of the Compact Discs (CDs) furnished to the petitioner was blank and did not contain any document; a complete copy of the documents was therefore asked for by him. The request was opposed by the Special Public



Prosecutor on the ground that all the documents had been duly handed over to the petitioner's counsel; the said CD was also given to him on 19.08.2025 but no objection was raised at that time. However, the Special Judge ordered that '*[w]hatsoever may be the reason of not arguing the matter today, the fact remains that documents are required to be supplied before advancing arguments*'. And the matter was adjourned to 23.09.2025 for arguments on the point of taking cognizance. On the next date of hearing, 30.09.2025, again a request was made on behalf of the petitioner that the matter was lengthy and, therefore, arguments would not conclude in a day, and two consecutive dates should be fixed for the purpose. It was thus adjourned to 09.10.2025. The case was again taken up for hearing by the Special Judge on 18.10.2025, and the learned counsel for the petitioner/accused persons again came up with the same plea that all the documents had not been supplied by the ED, therefore, arguments could not commence. But the Court directed to start the arguments and the same were advanced in part on behalf of the ED, and concluded on 12.11.2025. Finally, the Special Judge pronounced the order taking cognizance of the offence on 08.01.2026. [Copies of the aforementioned short orders of the Special Judge have been shown to the Court during the course of arguments.]

3. In this factual background, learned senior counsel for the petitioner contended that the petitioner is a senior citizen, aged about sixty-four years, and is in custody since 04.05.2025. He has been a member of the Legislative Assembly in the State of Haryana, and has deep roots in the society. It cannot be believed that he would not cooperate with the ongoing investigation, and/or misuse his liberty of bail in any manner. He has appeared before the ED on 05, 07, 08, 10 and 11.10.2023, 12.04.2024 and 04.05.2024,



and can be bound with any condition for further appearance as and when required, if necessary. Accordingly, the petitioner is not a flight risk. He cannot tamper with the evidence either, as all the evidence is documentary in nature which is already in custody of the ED. The witnesses cannot be influenced, as the same are mostly Government officials. Besides, his son Sikander Singh, allegedly the principal accused, has already been released on regular bail by this Court, vide order dated 31.01.2025 passed in CRM-M-57948-2024.

3.1. Secondly, there is no likelihood of commencement of trial, and much less of its conclusion in near future. This is because the prosecution complaint filed on 27.06.2024 is against three persons and two companies, it relies upon 31 witnesses and 154 documents running into thousands of pages. The supplementary prosecution complaint has been filed on 01.07.2025 against seven individuals, including the petitioner, and three companies; there are 22 other prosecution witnesses and 302 documents running into more than four thousand pages have been relied upon. In total, there are 53 witnesses who are to be examined. Besides, the order passed by the Special Judge taking cognizance of the offence, dated 05.12.2024, was set aside by this Court vide judgment dated 29.07.2025, and the matter was remitted for fresh consideration after affording pre-cognizance hearing to the petitioner. Thereupon, the cognizance has been taken vide order dated 08.01.2026, but the same is also under challenge before this Court. Accordingly, there is no possibility of the trial commencing for quite some time. These facts entitle the petitioner to be released on bail. Strong reliance has been placed on law laid down in *V. Senthil Balaji v. Deputy Director, Directorate of Enforcement*, 2024 SCC Online SC 2626, to contend that the petitioner's long incarceration violates his Fundamental Right to life. Learned senior counsel has also relied



upon *Padam Chand Jain v. Enforcement Directorate*, 2025 SCC Online SC 1291, holding that conditions under Section 45 PMLA cannot override the constitutional safeguards, and prolonged incarceration cannot be permitted. In that case also, around 50 witnesses were required to be examined and the main evidence was documentary in nature, which had already been seized by the prosecuting agency. Further, learned senior counsel has referred to *Arvind Dham v. Directorate of Enforcement*, 2026 SCC Online SC 30, which holds that all economic offences cannot be classified into one group; and in case the State or the prosecuting agency has no way to protect Fundamental Right of the accused to speedy trial enshrined in the Constitution, the plea of bail should not be opposed by them on the ground that crime committed is serious.

4. *Per contra*, learned counsel for the ED contended that there is no thumb rule that after any particular period of incarceration the accused would be entitled to bail without complying with the mandatory requirements under Section 45 PMLA. Gravity of offence is also a relevant factor in considering grant of bail. And in the instant case, the petitioner is accused of duping thousands of home buyers and siphoning off hundred of crores of rupees for personal gains and expenditure, apart from purchasing properties in the name of his companies and other associate concerns. *Secondly*, the petitioner cannot draw parity with the co-accused, Sikander Singh, who has been granted bail by this Court vide order dated 31.01.2025. It is because the order has been passed on certain incorrect facts and the ED has challenged the same before the Supreme Court by filing SLP, wherein notice has been issued to the petitioner, vide order dated 25.07.2025, and is pending for final adjudication. Besides, there is no law that bail is to be granted on the basis of parity. *Thirdly*, the petitioner's conduct also needs to be considered by the Court. There has



been repeated non-compliance of the summons issued to him for appearance; details of seventeen such summons have been given in the reply. Apart from that, despite issuance of about a dozen non-bailable warrants, he could not be arrested. It was with great difficulty and following directions by this Court that he was arrested from a hotel on 04.05.2025; at that time, he tried to flee and could be apprehended with great difficulty. There is every likelihood that on being released on bail, he would disappear to avoid the process of law. *Fourthly*, it cannot be said that trial will take long time to conclude as there are only two prosecution complaints with actually 48 witnesses, since 5 of the total 53 witnesses cited in both the complaints are common; 07 of these are officials, and there is likelihood that 5 of the witnesses can be dropped by the ED. Besides, it is the petitioner who is delaying the commencement of trial. Initially, cognizance of the offence was taken on 05.12.2024, which was challenged before this Court, and the order was set aside on 29.07.2025. Despite a clear direction by the Court to pass a fresh order regarding cognizance within two months, the petitioner kept on delaying the hearing on cooked-up grounds. Finally, the cognizance was again taken by the Special Judge on 08.01.2026, which was again challenged by him before this Court. However, there is no stay on further proceedings, and the trial can proceed which will soon be concluded. In these circumstances, the period of delay in taking the cognizance needs to be excluded from the total period of incarceration undergone by the petitioner. Even otherwise, he has not been in custody for a period long enough to entitle him to bail without complying with the mandatory requirements under Section 45 PMLA. And the material brought on record by the ED clearly establishes that he has committed the alleged offences. *Lastly*, it has been submitted that judgments relied upon by



learned senior counsel for the petitioner are on different facts, and the petitioner cannot seek bail by relying upon the same. In support of the submissions he has placed reliance upon the judgment *Union of India v. Kanhaiya Prasad*, 2025 SCC Online SC 306, holding that ‘...the two conditions mentioned in Section 45 are mandatory, and that while considering the bail application, the said rigours of Section 45 have to be reckoned by the court to uphold the objectives of the PMLA.’

5. Submissions made by learned counsel for the parties have been considered.

6. It is apparent on record that the petitioner is accused of siphoning off hundreds of crores of rupees of home buyers who booked flats in the affordable group housing project being developed by the SAFPL. He has been Director of at least six Mahira Group companies, which are developing the housing projects. This includes M/s Mahira Home Pvt. Ltd. which is the holding company of the companies developing the project in question. Besides, he has been at the helm of affairs of M/s DS Homes Construction Private Limited and signed its balance sheets for the financial year 2019-20; it is one of the companies through which the home buyers’ money has allegedly been misused. There have been other monetary transactions illegally transferring this money to group companies controlled by the petitioner and his family members. Coupled with these facts, it needs to be noted that he has repeatedly avoided summons issued by the Special Court for joining the investigation; details of seventeen such summons have been mentioned in para 2.4 above. Also, non-bailable warrants of arrest were issued against him a number of times, but he could not be arrested. Finally, pursuant to directions issued by the Division Bench in CWP No.25140 of 2024 and the consequent



non-bailable warrants, he could be taken in custody on 04.05.2025. That was only after his outrageous attempt to flee from the scene was foiled by the ED officials with the help of Delhi Police and security staff of the hotel from where he was arrested. Keeping these facts in view, no exception can be taken to the assertion by the ED that he is a flight risk.

7. Still further, it cannot be lost sight of that the initial order of learned Special Judge taking cognizance of the offence, dated 05.12.2024, was set aside by this Court vide judgment dated 29.07.2025, accepting the petition filed by co-accused Sikander Singh. The matter was remanded for fresh consideration, and the learned Judge could finally hear and decide the issue vide order dated 08.01.2026, taking cognizance of the offence again. The trial is now set to commence and there is no foreseeable hindrance to it. The period of petitioner's incarceration cannot be viewed in isolation, and has to be seen in the light of circumstances whereunder the order taking cognizance has been passed by the learned Judge, as detailed in paragraph 2.9 above. Accordingly, it is not a case that delay in commencement of trial can be attributed to the ED; instead, the indication is otherwise. Besides, looking at the number of complaints - 2, number of accused - 15, as also the number of witnesses - 48, of whom five may be dropped by the ED, it cannot be said trial of the case will be delayed inordinately. Further, the petitioner is in custody since 04.05.2025, and the maximum sentence prescribed for the offence under Section 4 PMLA is seven years. In the facts and circumstances of the case, the period of custody can also not be termed substantial that would entitle the petitioner to bail *dehors* merits of the case which require compliance of the mandatory requirements under Section 45 PMLA as a precondition. However, no attempt has been made on behalf of the petitioner to establish that he meets



those requirements. Additionally, in the light of these facts the petitioner cannot be admitted to bail only because co-accused has been granted the concession by a coordinate Bench vide order dated 31.01.2025. In this context, the assertion by the ED can also not be ignored that the order has been passed upon certain incorrect facts and is already under challenge before the Supreme Court.

8. The observations in *V. Senthil Balaji* case (*supra*) relied upon by learned senior counsel for the petitioner are not in sync with the facts of the case, and no benefit can be drawn by him on that basis. It was a case where there were more than 2000 accused, and 550 prosecution witnesses had been cited. The Court found that even on the issue of framing charge, a large number of accused would have to be heard and there was no likelihood of the trial being concluded within three to four years. In these circumstances the Court observed that the appellant's continued detention would be an infringement of his Fundamental Right to speedy trial guaranteed under Article 21. The observations to that effect are as follows:

15. We have already narrated that there are three scheduled offences. In the main case (CC Nos. 22 and 24 of 2021), there are about 2000 accused and 550 prosecution witnesses cited. Thus, it can be said that there are more than 2000 accused in the three scheduled offences, and the number of witnesses proposed to be examined exceeds 600.

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17. Thus, on the issue of framing of charge or discharge, a large number of accused will have to be heard. The trial of the scheduled offences will be a warrant case. Therefore, even if the trials of the scheduled offences are expedited, the process of framing charges may take a few months as many advocates representing more than 2000 accused persons will have to be



heard. There are bound to be further proceedings arising out of orders on charge. After that, more than 600 witnesses will have to be examined. Documentary and electronic evidence is relied upon in the scheduled offences. Even if few witnesses are dropped, a few hundred witnesses will have to be examined. Presence of all the accused will have to be procured and their statements under Section 313 of the Criminal Procedure Code, 1973 will have to be recorded. Therefore, even in ideal conditions, the possibility of the trial of scheduled offences concluding even within a reasonable time of three to four years appears to be completely ruled out.

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29. As stated earlier, the appellant has been incarcerated for 15 months or more for the offence punishable under the PMLA. In the facts of the case, the trial of the scheduled offences and, consequently, the PMLA offence is not likely to be completed in three to four years or even more. If the appellant's detention is continued, it will amount to an infringement of his fundamental right under Article 21 of the Constitution of India of speedy trial.

No doubt the proposition of law laid down is that long incarceration and no possibility of conclusion of trial in a reasonable time, violates the accused's Fundamental Right to life, but either of these conditions is not met in the petitioner's case, as already discussed herein before.

9. The other judgments relied upon by learned senior counsel for the petitioner also do not advance his case in any manner. In *Padam Chand Jain* case (*supra*), bail was granted keeping in view multiple factors - thousands of documents, around fifty witnesses, non-implication of the Minister as an accused for whose benefit the monetary transactions in the case had taken place, and grant of bail to the appellant therein in the predicate offence. These distinctive factors are missing in the petitioner's case.



Similarly, in *Arvind Dham* case (*supra*), out of twenty-eight individuals, only the appellant had been arrested and remained in custody for more than sixteen months. Besides, cognizance of the prosecution case had not been taken and the proceedings were at the stage of scrutiny of documents. There were 210 witnesses to be examined, and it was concluded that trial was not likely to commence in near future. Also, on filing of the prosecution complaint, the Special Judge had issued notice to all the proposed accused under proviso to Section 223 BNSS. The order was challenged by the ED before the High Court, resulting in stay of proceedings before the Special Judge for over eight months. The delay was, therefore, held to be attributable to the ED and not the appellant. These factors are also non-existent in the petitioner's case.

10. In view of the discussion, this Court is not inclined to grant bail to the petitioner at this stage, and the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

08.04.2026

Maninder

Whether speaking/reasoned : Yes
Whether reportable : No