

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSItem No.12:

Petition(s) for Special Leave to Appeal (CrI.) No(s). 121/2024

(Arising out of impugned final judgment and order dated 19-12-2023 in CRLM No. 47406/2023 passed by the High Court of Punjab & Haryana at Chandigarh)

TARSEM LAL

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT JALANDHAR ZONAL OFFICE Respondent(s)

WITH SLP(CrI) No. 330/2024

(IA No. 13286/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(CrI) No. 698/2024

(IA No. 19217/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 19094/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(CrI) No. 743/2024

(FOR ADMISSION and I.R. and IA No.13003/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(CrI) No. 728/2024

(IA No.12522/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

With

Item No.16:

Petition(s) for Special Leave to Appeal (CrI.) No(s). 969/2024

(IA No.17284/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 01-03-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Harshit Sethi, Adv.
Ms. Mansi Tripathi, Adv.
Mr. Nikhil Jain, AOR
Ms. Divya Jain, Adv.

Mr. Harshit Sethi, Adv.
Mr. Rhail Mahajan, Adv.
Mr. Nikilesh Ramachandran, AOR
Ms. Mansi Tripathi, Adv.
Mr. Shubham Seth, Adv.
Mr. Anuj Panwar, Adv.
Mr. Kamal Verma, Adv.
Mr. Lovekesh Aggarwal, Adv.

For Respondent(s)

Mr. S.V. Raju, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Arkaj Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

After hearing the learned counsel appearing for the petitioner and the learned Additional Solicitor General appearing for the respondent, we find that the issues involved in these petitions need hearing.

Prima facie, it appears to us that once cognizance of a complaint filed under Section 44 is taken by the Special Court under the Prevention of Money Laundering Act, 2002 (for short "the PMLA Act"), the power to arrest vesting under Section 19 of the PMLA Act cannot be exercised. The question is, if pursuant to the summons issued by the Special Court, the accused appears before the Special Court whether he is required to apply for bail in terms of Section 437 of the Code of Criminal Procedure, 1973. If the answer to the said issue is in

affirmative, the other question is whether such a bail plea will be governed by the twin conditions imposed by Section 45 of the PMLA Act.

We, therefore, permit the parties to file brief submissions in writing not exceeding three pages and compilation of case law, if any.

List on 9th April, 2024 at 2.00 p.m.

Interim order granted earlier by this Court shall continue to operate till further orders.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER