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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 07<sup>th</sup> April, 2026*

+ CRL.M.C. 5964/2023 & CRL.M.A. 22377/2023

DIRECTORATE OF ENFORCEMENT

....Petitioner

Through: Mr. Zoheb Hossain, Spl. Counsel for  
ED with Mr. Vivek Gurnani, Panel  
Counsel for ED.

versus

SURENDER KUMAR BANSAL

....Respondent

Through: Mr. Adit Subramaniam Pujari with  
Mr. Bhavesh Seth, Ms. Prerna  
Mukherjee and Mr. Vaibhav Rawat,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The cancellation of bail is being sought as there is nothing to indicate that Section 3 of *Prevention of Money Laundering Act, 2002* (PMLA) was not attracted.
2. The order in question is dated 31.03.2023, whereby the learned Trial Court has granted bail to the respondent herein while observing as under in para 19:-

*“19. From the above discussion, it appears that the ingredients of the offence of money laundering as defined in the original definition U/s 3 of the PMLA, 2002 are not made out in this case. If the ingredients of offence as defined in the original act and as applicable to the case are not made out, then the question of applicability of twin conditions of Section 45, PMLA shall not arise. The twin conditions of section 45 PMLA shall not apply to facts of present case.”*



3. Learned Special Counsel for the petitioner agitates that the abovesaid finding is not sustainable as there are clear-cut ingredients to make out the abovesaid offence.
4. The abovesaid impugned order is though exhaustive which takes into consideration facts and the legal aspects of the issue involved, fact remains that the abovesaid is only a *prima facie* and tentative observation of the learned Trial Court and cannot be said to be final expression over the merits of the case.
5. It is apprised that the matter is at the stage of arguments on charge, and in the interregnum, one supplementary charge-sheet has also been filed.
6. Keeping in mind the overall facts of the case and the fact that the observations, as above, are merely tentative in nature, this Court does not find any compelling reason to keep the present petition, pending anymore.
7. The petition is, accordingly, disposed of, while clarifying that the observations made in order dated 31.03.2023 are tentative in nature and would not be taken as final expression on the merits of the case and the learned Trial Court would ascertain the charges, without being influenced or prejudiced in any manner whatsoever by the observations appearing therein.
8. The application stands disposed of in aforesaid terms.
9. Pending application also stands disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**APRIL 07, 2026/st/sa**