



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Pronounced on: 23rd July, 2025

+ **BAIL APPLN. 2323/2021, CRL.M.A. 22504/2023 CRL.M.(BAIL)
896/2021**

PRANJAL PANDEY

S/o Mr. Pawan Kumar Pandey,
Aged 28 years,
R/o: D-26, 2nd Floor, Block. D,
Saket, New Delhi-1 10017.
Email: pranjal.rewa22@g.mail.com
.....Petitioner

Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Aman Avinav and Mr.
Kumar Rishabh Parth, Advocates.

Versus

STATE OF NCT OF DELHI

(Economic Offences Wing)
Through its Standing Counsel (Criminal)
Chamber No. 437, Lawyers Chamber Block-I,
Delhi High Court, New Delhi-1 10003
.....Respondent

Through: Mr. Yudhvir Singh Chauhan Ld. APP
for State.
Mr. S.V. Raju, Ld. ASG, Mr. Zoheb
Hossain, Spl. Counsel, Mr. Vivek
Gurnani, Panel Counsel with Mr.
Kanishk Maurya, Mr. Harik
Sabharwal, Mr. Pranjal Tripathi, Mr.
Kunal Kochar and Mr. Siddharth
Kumar, Advocates and Mr. Mohit
Godara, ED(I.O).
ACP Keshav Mathur, Insp. Sanjay
Singh EOW, Mandir Marg.



CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 438 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C'*) has been filed on behalf of the Applicant, Prabir Purkayastha seeking Anticipatory Bail in FIR No. 116/2020 dated 26.08.2020 under Section 406/420/120-B of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Economic Offences Wing, Delhi Police.
2. Based on the FIR, an Enforcement Case Information Report being ECIR/14/HIU/2020 dated 2 September 2020 ("ECIR") was recorded under S. 3 and S. 4 of the Prevention of Money Laundering Act, 2002 ("PMLA") by the Directorate of Enforcement ("ED"). Basis the ECIR, the ED is conducting a separate investigation in the matter and the Applicant has been cooperating with the investigation initiated by the ED.
3. ***Briefly stated***, the Applicant is an Indian citizen aged 28 years and is the Director and Editor of *PPK Newsclick Studio Pvt. Ltd* ("PNSPL") and was appointed as an Additional Director of PNSPL on 12.03.2020. Subsequently was appointed as a Director of PNSPL on 30.09.2020.
4. The Applicant has been providing his services to PNSPL as an Editor since 01.06.2016 and even after his appointment as a Director of PNSPL and till date; the Applicant continues to be the editor of PNSPL and is not involved in taking the major financial decisions of PNSPL. The Applicant



only looks into the news related functions of the PNSPL and is delinked from the business affairs of PNSPL.

5. The Applicant is apprehending arrest in the FIR 116/2020 as he has received a notice dated 30.06.2021 under S. 41-A of the Code of Criminal Procedure, 1973 (“CrPC”), bearing no. 4540/R/ACP/Section-II/EOW from the Respondent/EOW, calling upon the Applicant to appear before the Investigation Officer on 9.07.2021 at 4 PM along with certain documents. The Applicant is neither named in the FIR nor has any connection with the subject matter of the FIR. Save for stating that there are reasonable grounds to question the Applicant in connection with the matter, none of the grounds as mentioned in S. 41-A Cr.P.C. have been mentioned in the S. 41-A Cr.P.C. Notice issued to the Applicant by the Respondent/EOW.

6. The S. 41-A Notice was issued to the Applicant only after W.P. (CRL.) 1130/2021 was filed on behalf PNSPL before this Hon’ble Court on 18.06.2021 praying for the quashing of the said FIR. By an order dated 21.06.2021, this Court issued notice and directed the matter to be listed on 29.07.2021 after directing the Respondent/EOW to file its counter affidavit in four weeks.

7. W.P. (CRL.) No. 1129/2021 was heard by this Court on 21.06.2021 wherein this Court was pleased to issue notice in the matter and had directed the ED to file its reply to the above Writ Petition within two weeks and had directed that no coercive steps shall be taken against PNSPL and Mr. Purkayastha till the next date of hearing i.e., 5 July 2021.

8. On 5 July, the matter was adjourned to 29 July 2021 and the order of no-coercive steps was continued till said date. The Applicant understands



that the Respondent/EOW has also issued a notice under S. 41-A Cr.P.C to the second Director of PNSPL i.e., Mr. Prabir Purkayastha for appearing before the EOW on 07.07.2021 along with the documents.

9. The Applicant carries out work related to assigning of written and video stories; day to day co-ordination of desk related work, final checks and other similar issues. Further, the website and other social media properties of PNSPL have frequently published articles/stories/videos, etc. authored by the Applicant.

10. The Respondent/ EOW has issued the S. 41-A Notice to the Applicant directing him to appear before the investigation officer on 09.07.2021 at 4 P.M. along with certain documents pertaining to details of Directors of PNSPL, main business of PNSPL, the Applicant's alleged dealing with WMHL, persons involved in the sale of shares to WMHL etc. The Applicant has reasonable grounds to believe that he will be arrested by the Respondent/EOW on 9 July 2021 when he appears before the Respondent/EOW in compliance with the S. 41-A Cr.P.C Notice, notwithstanding his willingness to cooperate in the Investigation.

11. In February 2021, multiple search and seizure operations were carried out by the ED under Section 17 of the PMLA at the residence of the Applicant as well as the premises of various Employees, Directors, Shareholders, and Contractors of PNSPL between 9 February 2021 and 13 February 2021. The search and seizure operations at the Applicant's premises were conducted on 9-10 February 2021. Various records (both documentary and electronic) were seized from, the residential premises of



the Applicant situated at D-26, 2nd floor, Block D, Saket, New Delhi-110017.

12. It was only during these raids that the Applicant came to know for the first time that the ED had commenced an investigation under the PMLA in respect of the affairs of PNSPL.

13. The Applicant has been cooperating with the investigation initiated by the ED and undertakes to participate and fully cooperate in the investigation by the Respondent/EOW. As mentioned above, the Applicant has received summons dated 30 June 2021 from the EOW under Section 41A of the Cr.P.C, 1908 directing him to be present before the EOW on 9 July 2021 at 4 P.M. along with documents furnishing details such as details of all Directors of PNSPL, details setting out the main business of PNSPL, details of the receipt of FDI from WWMH, details setting out other foreign investments received from PNSPL etc. The Applicant undertakes to join the Respondent/EOW's investigation and furnish all relevant information.

14. The Applicant is a Director of PNSPL. As mentioned above, the Applicant was appointed as a Director of PNSPL on 30 September 2020. The Applicant is also the Editor of PNSPL. In his capacity as Editor, the Applicant carries out work related to assigning of written and video stories, day to day co-ordination of desk related work, final checks and other similar issues. Further, the website and other social media properties of PNSPL have frequently published articles/stories/videos, etc. authored by Respondent No. 5. The Applicant has no role in the management of the business affairs of PNSPL and only plays a supervisory role for ensuring the proper and smooth functioning of the journalistic/content related work of the



company. The Applicant reiterates that he has received remuneration for the services rendered as the Editor of PNSPL, in the normal course of business and as a consideration for the services provided to the Applicant as per the terms of the appointment letter issued to him by PNSPL.

15. The Anticipatory Bail is sought on the ground that the investigation of EOW is a misuse of the process of law and has a chilling effect on the right to freedom of speech and expression of the Applicant. In this regard, reliance is placed on Arnab Manoranjan Goswami vs. The State of Maharashtra (Criminal Appeal No. 742 of 2020) Apex Court in.

16. It is submitted that the FIR does not disclose commission of any offence and the Applicant is not even named in the FIR. The allegations levelled in the FIR do not disclose commission of any offence, much less one under Sections 406, 420, 120B IPC.

17. Regardless, there is a legal bar on the registration of the FIR in the facts of the instant case, at best, the allegations in the said FIR can amount to violations under the FEMA, which cannot be investigated by the EOW, and there being a legal bar in this regard. It is submitted that the provisions of the FEMA and their interpretation by judicial opinion make it clear that such a bar is absolute and violation of the same will be fatal to any investigation.

18. The Applicant fulfils the Triple Test for grant of Bail. It has been held in a catena of judgments that while dealing with the bail petition, it is not in dispute that three factors must be seen viz. i) flight risk, ii) tampering evidence iii) influencing witnesses. Pertinently, all the three factors are satisfied *qua* the Applicant in the instant case. The Applicant is not evading the process of law and there is no allegation of non-cooperation against the



Applicant. The Applicant has deep roots in the society and there is no apprehension of the Applicant fleeing away from justice. There is also no evidence that the Applicant has used his position to influence or intimidate any witnesses.

19. The investigation into the FIR relates to FDI transactions in the year 2018 and is completely documentary in nature. The ED has also seized all the relevant documentary evidence from the residence of the Applicant, various other persons, and offices of PNSPL during extensive search and seizure operations from 9.02.2021-13.02.2021.

20. It is further submitted that in the said FIR no allegations have been made against the Applicant. Further, the Applicant has not even been named as an accused in the said FIR. The only allegation that may be attributed to the Applicant is that he is at present, a Director in PNSPL.

21. However, it is settled law that a Director of a Company cannot be made vicariously liable for the Offence(s) committed by the Company unless a specific role is attributed to such Director. In this regard reliance is placed on a decision of the Apex Court in Sunil Bharti Mittal vs. CBI, (2015) 4 SCC 609, and Maksud Saiyed vs. State of Gujrat & Ors., 2008 (5) SCC 668.

22. No useful purpose would be served by remanding the Applicant to custody. In this regard, the Applicant relies on the judgment of the Apex Court in the case of Gurbaksh Singh Sibbia vs. State of Punjab, (1980) 2 SCC 565, which has been upheld in the case Sushila Aggarwal vs. State of GNCTD, 2020 SCC OnLineSC 98.



23. Thus, it is prayed that the Anticipatory Bail be granted to the Applicant.

24. **The response to the Application has been filed by way of the Status Report.** It is stated that the case was registered on the complaint of Sh. Sobhan Singh and was duly forwarded to the Under Secretary, MIB, New Delhi. In the Complaint it was alleged that the Company *M/s. PKK News Click Studio Pvt. Ltd.*, is indulged in illegal misappropriation of fund causing loss to Government ex-chequer.

25. The revenue of this Company has increased from Rs. 27.15 lakhs in FY 2017-18 to Rs. 1.22 crore in FY 2018-19, however, the expenditure of the Company has increased from Rs. 64.95 lakhs in FY 2017-18 to Rs. 7.83 crore in FY 2018-19. Hence, the Company has been incurring huge losses varying from Rs. 17.8 lakhs in FY 2017-18 to Rs. 6.61 crore in FY 2018-19.

26. This Company received FDI of Rs. 9.59 crore from *M/s Worldwide Media Holdings LLC, USA* during FY 2018-19 which was used for allotment of 8,333 equity shares of Rs. 10 each at a premium of Rs. 11,510/- per share as against allotment of shares of Rs. 10/- at face value only to the Promoters. Apparently much higher than valued by RBI. The reason for charging huge premium on allotment of share seems to deliberately avoid the restriction/cap of FDI in the Digital News Website at 26% of the capital of the Company as well as to avoid Government approval for such FDI.

27. If the shares were allotted to the foreign investor at the face value, 98% of total capital of the Company was to be allotted to the foreign investor which was against the FDI policy of the Government for investment in the Digital News Website.



28. The Investor Company *M/s Worldwide Media Holdings LLC* was incorporated in the State of Delaware, USA giving address of a Chartered Accountant and the Company was reported as cancelled due to non-payment of tax as on 01.06.2017.

29. It shows that this Company had received FDI of Rs. 9.59 crore from *M/s Worldwide Media Holdings LLC* after a gap of more than one year from the date when the Company was cancelled. The reason for incurring such huge losses was excessive payment of consultancy, salary and rent. For example, salary/ Consultancy Fee of Rs. 3.82 crore and Rs. 1.12 crore respectively were paid during FY 2018-19 even when the total revenue of the Company was of Rs. 1.10 crore.

30. More than 45% of FDI was actually diverted/siphoned-off for the payment of salary/consultation fees, rent and other such expenses of the Promoters/Journalists/Employees associated with the Company. *Prima Facie* these facts suggest that the FDI was actually intended to make the payments for ulterior motives clandestinely. The above News Portal has violated the FDI law and other laws of the country and caused loss of exchequer. Accordingly, the present case was registered and investigation initiated.

31. During the course of investigation, ***Reply from RBI*** has been received where in it is mentioned that as per the Form FCGPR submitted, the foreign inward remittance, was under automatic route and there was no delay in issue of shares as well as reporting, as per the extant FEMA regulations in case of *M/s PPK New Click* is concerned. Further, from scrutiny of accounts



of *M/s PPK New Click* it revealed that the account was opened on 13.02.2018.

32. Alleged money of FDI of Rs. 9.59 crores was transferred on 11.04.2018. Further, Fund from various foreign entities were received viz. an amount of Rs. 23.51 crores from *Justice Education Fund Inc. Of America*, Rs. 62.43 Lacs from *The Tri-Continental Ltd. 912*, Rs. 2.89 Lakh from *GSPAN*, Rs. 2.0 Lakh from *Centro Popular* and Rs. 2.27 lakh from *Viva Salud*. All these Companies transferred foreign fund into the account of ICICI Bank of *M/s PPK News Click* till October 2020.

33. Further, stated Pranjal Pandey joined investigation on 09.07.21 and submitted reply of queries. The documents are being verified from Foreigners Division(FCRA), MHA Further, investigation is in progress.

34. *In view of above facts and circumstances the Bail Application is strongly opposed.*

35. *The Applicant by way of his Rejoinder to the Status Report* has reiterated his contentions and has stressed upon the fact that the Status report records that the Applicant joined the investigation and submitted the reply to queries. Further, the Reply of RBI received during the course of investigation, solidifies the position that the FIR does not disclose any offence or even a violation of FEMA.

Submissions heard and record perused.

36. Admittedly the cases got registered in 2020 but even in the predicate offence, the investigations have not been concluded nor any Charge-Sheet filed. No Complaint has got filed. There is also nothing on record to suggest that the Applicant has been called since 2021 ever to join the investigations.



37. The Applicant is a Director/Editor of the Company and is responsible for writing news articles and creating videos for the “*newslick.com*” platform of the company.

38. The evidence is essentially documentary in nature and there is no likelihood of tampering with the evidence or of influencing the witnesses.

39. Considering the prolonged investigations, and in view of the aforesaid circumstances, it is directed that in the event of arrest, the Applicant/Accused shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Applicant/Accused shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner/Accused shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Applicant/Accused shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Applicant/Accused shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Applicant/Accused shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.



40. The Petition stands disposed of in the above terms. The Pending Application, if any, also stands disposed of.

41. Copy of the Order be sent to the learned Trial Court for compliance.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 23, 2025/RS