

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 7795/2024

(Arising out of impugned final judgment and order dated 21-05-2024 in BA No. 1557/2024 passed by the High Court Of Delhi at New Delhi)

MANISH SISODIA

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(IA No.127843/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.127859/2024-PERMISSION TO FILE LENGTHY LIST OF DATES, IA No. 127843/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 127859/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(Cr1) No. 7799/2024 (II-C)

( FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 128042/2024

FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 128043/2024  
IA No. 128042/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 128043/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 04-06-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARAVIND KUMAR

HON'BLE MR. JUSTICE SANDEEP MEHTA

(VACATION BENCH)

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Vivek Jain, AOR  
Mr. Mohd. Irshad, Adv.  
Mr. Rajat Jain, Adv.  
Mr. Amit Bhandari, Adv.  
Mr. Karan Sharma, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General  
Mr. Zoheb Hossain, Adv.  
Mr. Anam Venkatesh, Adv.  
Ms. Kanu Aggarwal, Adv.  
Mr. Vivek Gurnani, Adv.  
Ms. Abhipriya, Adv.  
Mr. Kartik Sabharwal, Adv.  
Mr. Vivek Gaurav, Adv.  
Ms. Agrimaa, Adv.  
Mr. Dipanshu Gaba, Adv.  
Mr. Kanishk Maurya, Adv.  
Mr. A. K. Sharma, AOR

contd..

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

In these two petitions, the petitioner has challenged the order dated 21.05.2024 passed by the High Court of Delhi in Bail Application Nos. 1557 and 1559 of 2024.

Suffice to state that the petitioner had approached this Court on earlier occasion for grant of the relief now sought for in the present petitions and it resulted in dismissal of the same with the following observations -

"29. In view of the assurance given at the Bar on behalf of the prosecution that they shall conclude the trial by taking appropriate steps within next six to eight months, we give liberty to the appellant - Manish Sisodia to move a fresh application for bail in case of change in circumstances, or in case the trial is protracted and proceeds at a snail's pace in next three months. If any application for bail is filed in the above circumstances, the same would be considered by the trial court on merits without being influenced by the dismissal of the earlier bail application, including the present judgment. Observations made above, re.:right to speedy trial, will, however, be taken into consideration. The appellant - Manish Sisodia may also file an application for interim bail in case of ill-health and medical emergency due to illness of his wife. Such application would be also examined on its own merits.

30. Recording the aforesaid, the appeals are dismissed. However, we clarify that the observations made in this judgment, either way, are only for disposal of the present appeals, and these would not influence the trial court on the merits of the case, which would proceed in accordance with law, and decided on the basis of the evidence led. All disputed factual and legal issues are left open."

It is the aforesaid observations which has triggered or prompted the petitioner to approach the jurisdictional Court for grant of bail and same having been negatived by the trial court and High Court, the petitioner is before this Court.

Contd..

We have heard the elaborate arguments canvassed by Dr. A.M. Singhvi, Learned Senior Counsel appearing for the petitioner and Shri Tushar Mehta, learned Solicitor General appearing for the Directorate of Enforcement and Central Bureau of Investigation opposing the admission of the petitions.

Though, elaborate arguments have been made, we do not propose to go into the said arguments or dwell upon it and then record our reasons for the simple reason that Co-ordinate Bench while dismissing the appeals vide order dated 30.10.2023, as noticed hereinabove has granted liberty to the appellant, i.e., the petitioner herein to move a fresh application for bail by placing reliance on the assurance given on behalf of the prosecution that they would conclude the trial by taking appropriate steps within next 6-8 months and as such the liberty was extended to the petitioner herein to move a fresh application in case of change in circumstances, or in case the trial is protracted and proceeds at a snail's pace in next three months. It was also observed that if such an application is filed in the aforesaid circumstances, the same would be considered by the trial court on merits without being influenced by the dismissal of the earlier bail application including the judgment of this Court.

Shri Tushar Mehta, learned Solicitor General on instructions would submit that the investigation would be concluded and final complaint/charge sheet would be filed expeditiously and at any rate on or before 03.07.2024 and immediately thereafter, the trial court will be free to proceed with trial. In the light of the said

contd..

submissions made and having regard to the fact that the period of "6-8 months" fixed by this Court by Order dated 30.10.2023 having not come to an end, it would suffice to dispose of these petitions with liberty to the petitioner to revive his prayer afresh after filing of the final complaint/Charge-sheet as assured by learned Solicitor General. Needless to state that in the event of such an application being filed, the same would be considered on its own merits as already observed by this Court vide paragraph 29 (supra). Contentions of both parties kept open.

Accordingly, these petitions stand disposed of. All pending applications consigned to record.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR