

Bail Application No.2334/2026
ECIR/DLZO/30/2022
P.S. EOW South-East.
U/s 3/ 4 PMLA
State Vs. Nayan N. Raheja

10.08.2026

Present : Sh. Vikas Pahwa, Ld. Senior Advocate along with
Sh. Sandeep Kapur, Ms. Manmeet Kaur, Sh. Irfan
Muzamil, Sh. Jasmeet Singh and Sh. Rishabh
Mungal, Ld. Counsels for accused/applicant.
Sh. Anand Kirti, Ld. Special P.P. for E.D.

1. Today, matter is listed for filing of reply on behalf of the ED and arguments on the application. However, the reply is not filed by the ED.

2. When the query is raised to the Ld. Special P.P. for ED as to why the reply has not been filed, he submitted that the application preferred by ED for issuance of open ended NBWs which was filed prior in time to the present anticipatory bail application, which is now listed for 03.09.2026 and therefore, if the present application is heard on merits, the application of the ED listed for 03.09.2026 will become infructuous.

3. The Ld. Special P.P for the ED has also cited the judgment of '*Amanatullah Khan V. Directorate of Enforcement, 2024 SCC Del 1658*', to buttress his arguments that as per the law laid down in the above judgment while considering the anticipatory bail application, the conduct of the applicant of non-joining the investigation has bearing on the anticipatory bail application.

4. Both the submissions made above by Ld. Special P.P. for the ED does not, in any manner, justify non-filing of reply. When the query is raised to Ld. Counsel that whether the judgment provides that in case the applicant does not join investigation, he is barred from filing an anticipatory bail

application and whether the non-filing of reply is a justified ground to save the application filed by the ED for issuance of open ended NBWs, Ld. Special P.P. for ED himself answered in negative.

5. Even the Ld. Counsel for the petitioner/applicant opposed the prayer of the DOE for seeking time to file reply and he further submitted that if any time is granted in the ED to file the reply, in the meantime, interim protection be granted to the petitioner.

6. In counter, it is submitted by Ld. SPP for ED that vide order dated 03.08.2026, the applicant has already been granted interim protection by the Ld. Predecessor of this Court in the application filed by the ED for issuance of open ended NBWs till 03.09.2026.

7. In rebuttal, Ld. Counsel for the applicant submitted that the ED has already assailed order dated 03.08.2026 of the Ld. Predecessor of this Court before Hon'ble High Court of Delhi and in case, the Hon'ble High Court of Delhi please to stay the operation of order dated 03.08.2026, the applicant will be left in lurch and therefore, interim protection in the present case may be granted to him till the ED files the reply and addresses arguments as the sole intention of the ED is to delay arguments in the present matter and curtail the personal liberty of the applicant.

8. After hearing the rival submissions, it is observed that both the Ld. Counsels are apprehending the curtailment of their rights in anticipation of something which is yet to happen, as on one hand even before filing reply and addressing arguments, the SPP for ED is presuming that if the present application is finally adjudicated, the application of the ED for issuance of open ended NBWs will become infructuous and on

the other hand, Ld. Counsel for the applicant is presuming that in case, the Hon'ble High Court of Delhi stayed the operation of order dated 03.08.2026 which is still pending in objections and even not listed before the Hon'ble High Court of Delhi, the personal liberty of the applicant will be curtailed.

9. Therefore, as on today, neither any justified ground is made out for non-filing of reply by the ED, nor any justified ground is made out to grant interim protection to the applicant.

10. It is submitted by the Ld. SPP for the ED that one week time may be granted to him for filing the reply and address the arguments.

11. Submissions heard. Allowed. Let the reply be filed positively within one week with advance copy to the opposite party.

List for arguments on 19.08.2026.

[Sachin Jain]

Additional Sessions Judge-02,SE
Saket, New Delhi/10.08.2026