



**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026**  
**[arising out of SLP (Crl.) No. 2461 OF 2026]**

**ARVIND WALIA**

**APPELLANT**

**VERSUS**

**DIRECTORATE OF ENFORCEMENT & ANR.**

**RESPONDENTS**

**ORDER**

1. Leave granted.
2. Appellant was arrested on 21<sup>st</sup> July, 2025 by the Directorate of Enforcement<sup>1</sup> under the Prevention of Money Laundering Act, 2002<sup>2</sup>. He filed a writ petition<sup>3</sup> before the High Court of Punjab and Haryana at Chandigarh challenging his arrest and various subsequent remand orders passed by the trial court. The said writ petition has been dismissed *vide* the impugned order dated 29<sup>th</sup> January, 2026. Aggrieved thereby, the appellant has filed the present appeal.
3. On 11<sup>th</sup> February, 2026, we issued notice limited to the question of considering the prayer of the appellant for grant of bail.
4. Appellant is a promoter-director of M/s Ramprastha Promoters & Developers Pvt. Ltd. (RPDPL). Allegedly, he along with other co-

<sup>1</sup> ED

<sup>2</sup> PMLA, 2002

<sup>3</sup> CRWP No. 8667 of 2025

accused / directors induced homebuyers to invest in various real estate projects but later failed to deliver flats / apartments. They also diverted the funds to other entities and, thus, cheated the homebuyers. In this connection, ECIR bearing no. ECIR/GNZO/14/2021 was registered by the ED on 9<sup>th</sup> August, 2021 for purported offences under the PMLA, 2002.

5. After three years of registration of the ECIR, the ED issued notice on 3<sup>rd</sup> May, 2024 under Section 50, PMLA, 2002 to the appellant to appear 'in person' and to 'give evidence' before it. Appellant, undisputedly, appeared physically before the ED on five different occasions (i.e., on 31.05.2024, 29.06.2025, 06.05.2025, 13.05.2025 and 15.05.2025).
6. After four years of registration of the ECIR, the appellant was arrested from his residence on 21<sup>st</sup> July, 2025. Soon after, on 18<sup>th</sup> September, 2025 to be precise, the ED filed prosecution complaint under Sections 44 and 45 of PMLA, 2002 against, *inter alia*, the appellant, alleging commission of offences under Sections 3 and 4 thereof. On 16<sup>th</sup> October, 2025, the appellant's application for interim bail on medical grounds was disposed of by the High Court with a direction to the jail authorities to ensure adequate medical treatment to the appellant.
7. We have taken note of the fact that prosecution complaint has already been filed by the ED and that the appellant (aged 65

years) has been in custody for over 8 months. We have also taken note of the fact that the appellant, prior to his arrest, physically appeared before the ED on five occasions. Presently, there seems to be no necessity to continue him in custody. What remains for consideration is the restrictions imposed by Section 45 of the PMLA, 2002.

8. Section 45 of the PMLA, 2002 cannot be interpreted to justify indefinite detention. In appropriate cases, the constitutional courts must intervene and have, in fact, intervened in the past to safeguard the right to personal liberty of the accused under Article 21. The twin conditions under Section 45 cannot override the constitutional safeguards under Article 21 of the Constitution (see: *Manish Sisodia v Enforcement Directorate*, 2024 SCC OnLine SC 1920). Applying this principle, this Court has granted bail in appropriate cases irrespective of the period of custody<sup>4</sup>.
9. In view of the above, we are of the considered opinion that further detention of the appellant pending trial is not necessary. The appeal, thus, deserves acceptance and the appellant may be admitted to an order for grant of bail.

<sup>4</sup> *Mahesh Joshi v. Directorate of Enforcement*, 2025 SCC OnLine SC 2633 (custody period - 7 months) and *Param Chand Jain v. Enforcement Directorate*, SLP (Crl.) No. 17476/2024 vide order dated 16.01.2025 (custody period - 6.5 months).

10. The impugned order to the extent it upholds the arrest of the appellant is not disturbed but stands modified to the extent of grant of bail to the appellant for the reasons assigned above.
11. Appellant shall be released on bail, subject to furnishing of bail bonds to the satisfaction of the trial court and subject to such other terms and conditions as may be imposed by it.
12. Needless to observe, the appellant shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.
13. In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellant.
14. It is also ordered that the appellant shall diligently attend proceedings of the trial, unless exempted. If he abstains from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.

15. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.
16. The appeal is, accordingly, allowed on the aforesaid terms.

.....J.  
**[DIPANKAR DATTA]**

.....J.  
**[SATISH CHANDRA SHARMA]**

**New Delhi;  
March 23, 2026.**

ITEM NO.49

COURT NO.8

SECTION II-B

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Special Leave to Appeal (Crl.) No(s). 2461/2026

[Arising out of impugned final judgment and order dated 29-01-2026 in CRWP No. 8667/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

ARVIND WALIA

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT &amp; ANR.

Respondent(s)

IA No. 44188/2026 - EXEMPTION FROM FILING O.T.

IA No. 63901/2026 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ ANNEXURES

Date : 23-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Maninder Singh, Sr. Adv.

Mr. Malak Manish Bhatt, AOR

Ms. Neeha Nagpal, Adv.

Ms. Somya Saxena, Adv.

Ms. Chhavi Tokas, Adv.

For Respondent(s) :Mr. Anil Kaushik, A.S.G.

Mr. Zoheb Hussain, Adv.

Mr. Annam Venkatesh, Adv.

Mr. Madhav Sinhal, Adv.

Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

**O R D E R**

1. Leave granted.

2. The appeal is allowed in terms of the signed order placed on the file.

(JATINDER KAUR)  
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)  
COURT MASTER (NSH)