



2026:DHC:720



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

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Pronounced on: 29.01.2026

+ **BAIL APPLN. 4124/2025**

AMIT AGGARWAL

.....Petitioner

Through: Ms. Anjali Jha Manish, Mr. Priyadarshi Manish, Ms. Madhuri Malegaonkar, Ms. Kratika Shaiyam, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

.....Respondent

Through: Mr. Zoheb Hossain, Special Counsel with Mr. Vivek Gurnani, Panel Counsel with Mr. Kartik Sabharwal, Mr. Kanishk Maurya, Mr. Pranjal Tripathi, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

RAVINDER DUDEJA, J.

1. This is an application for grant of regular bail filed on behalf of applicant in case FIR No. 45/2022 under Sections 3 and 4 of the Prevention of Money Laundering Act [“PMLA”], registered at Police Station EOW.

**Brief Facts of the case:**

2. The case arises from FIR No. 45/2022 dated 16.03.2022 registered by the Economic Offences Wing, Delhi, based on a complaint by Chartered Accountant Mr. Vikash Mohpal that forged Form 15CB certificates bearing his credentials were being used to facilitate foreign remittances through banks, mainly ICICI Bank. These certificates were falsely shown as supporting outward remittances for freight, logistics, and import payments. Since the offences under Sections 420, 467, 468, 471, and 120-B of the Indian Penal Code [“IPC”] are scheduled offences under the PMLA, the Directorate of Enforcement [“ED”] registered an ECIR vide ECIR/DLZO-II/24/202 on 28th March, 2022.

3. Investigation by the respondent agency revealed that several Indian entities fraudulently remitted approximately Rs. 696.69 crore to overseas entities in Singapore and Hong Kong. The remittances were based on forged Form 15CB and Form 15CA certificates and were falsely declared as legitimate business payments. These Indian entities had no genuine business operations and existed only on paper. Their directors and proprietors were fictitious or untraceable, and the incorporation and KYC documents were found to be forged.

4. Further investigation showed that many of these Indian entities shared common addresses, directors, and bank accounts confirming their sham nature. Bank accounts were opened across multiple banks



and funded through RTGS, NEFT, and other channels to layer the proceeds of crime. The funds were then siphoned abroad to overseas entities to conceal their origin and evade regulatory scrutiny, thereby constituting large-scale money laundering.

Role of Applicant- Amit Aggarwal:

5. The applicant, Amit Aggarwal (Accused No. 21), along with Rahul Kumar (Accused No. 6), was identified as the kingpin and principal mastermind behind the operation. He controlled and operated the Indian shell entities and coordinated fraudulent outward remittances to 16 overseas entities in Singapore and Hong Kong. To conceal his identity, he operated under the alias name “Ravi Mehra” while dealing with banks, professionals, and associates, and played a key role in procuring and misusing Form 15CB certificates, which were later forged to justify illegal remittances.

6. Amit Aggarwal also orchestrated the generation and laundering of proceeds of crime by routing funds through multiple Indian bank accounts and subsequently remitting them abroad under the guise of legitimate transactions. The illicit proceeds were concealed and layered by channeling funds into the bank accounts of his wife and mother, and by acquiring immovable properties and funding family-controlled entities. The directors of the dummy companies as well as the complainant categorically disclosed in their statements that it was



the applicant who approached them and concocted the whole elaborate scheme.

Submissions of the Applicant:

7. Learned counsel for the Applicant submitted that the Applicant is an innocent person who has been falsely implicated in the present case. Furthermore, that the Applicant has no connection whatsoever with the alleged offence relating to the use of forged and fabricated Forms 15CA/CB for foreign remittances under Rule 37AA of the Income Tax Rules. The Applicant is neither a director, partner, proprietor, shareholder, promoter, nor an employee of any of the five companies which allegedly remitted funds abroad. No role has been attributed to the Applicant in the remittance process, and no incriminating material was recovered from him, including during the search conducted at his residence.

8. It was submitted that the entire case of the Enforcement Directorate rests solely on statements of co-accused persons, which are exculpatory, contradictory, and recorded while they were in ED custody. Such statements, it is emphasized, cannot form the basis of a *prima facie* case even at the stage of bail. It was further submitted that the Session's Court had erred in disregarding material contradictions in the statements of key witnesses including Rahul Kumar, Chitra Pandey, and others. Reliance was placed upon the decisions of the Supreme Court in ***Prem Prakash v. Union of India*** 2024 SCC



OnLine SC 2270, ***P. Krishan Mohan Reddy v. State of Andhra Pradesh*** 2025 SCC OnLine SC 1157 as well as this Court in ***Vijay Aggarwal v. Directorate of Enforcement*** 2023 SCC OnLine Del 3176, in support of the submissions.

9. It was further submitted that there is a complete absence of “proceeds of crime” as defined under Section 2(1)(u) of the PMLA. No property has been derived or obtained by the Applicant as a result of any scheduled offence, nor has any amount been traced to his bank accounts from the alleged remittances. Reliance was placed upon ***Vijay Madanlal Choudhary v. Union of India*** 2022 SCC OnLine SC 929, to submit that in the absence of foundational facts, no offence under Sections 3 and 4 of PMLA is made out, and consequently, the twin conditions under Section 45 stand satisfied.

10. It was further submitted that the amounts received by the Applicant from relatives/mother/wife between 2020-2022 were personal and business loans as well as declared commission income, duly reflected in Income Tax Returns, supported by TDS certificates, bank statements, and corroborated by statements of the concerned persons. It was further emphasized that the learned Session Court has erred in treating these transactions as unexplained or proceeds of crime despite documentary evidence on record. It was emphasized that the Applicant’s medical condition, including multiple kidney surgeries in 2023, his consistent cooperation during the investigation, strict



compliance with anticipatory bail conditions, and the absence of any attempt to tamper with evidence or influence witnesses, weigh strongly in his favour.

11. It was lastly submitted that the Applicant has been incarcerated despite full cooperation with the investigation, which *qua* him is complete, and no further custodial interrogation is required. The FIR dates back to March 2022, and no substantial progress has been made for over three and a half years. The maximum punishment prescribed under section 4 of the PMLA is seven years. The Applicant has clean antecedents, deep roots in society, dependent parents, and is the sole bread-earner of his family.

12. Learned counsel for the Applicant submitted that the Applicant was taken into custody on 25.08.2025 after the Supreme Court set aside the anticipatory bail earlier granted by this Court. Thereafter, the Respondent agency subjected the Applicant to custodial interrogation for one week from 30.08.2025 to 06.09.2025. Upon completion of custodial interrogation, the Applicant moved regular bail application before the Session's Court, which came to be dismissed on 17.10.2025.

13. It was submitted that a change in circumstance has occurred as the Enforcement Directorate has filed its third supplementary prosecution complaint on 27.10.2025, thereby concluding the investigation *qua* the Applicant. It was further submitted that since the



Supreme Court had set aside the earlier bail order on 01.08.2025 solely for the purpose of custodial interrogation, which stands duly complied and the cognizance is yet to be taken, no further justification exists for continued incarceration of the Applicant. In these circumstances, it was submitted that continued incarceration serves no useful purpose, and the Applicant deserves to be enlarged on bail.

Submissions made by the Respondent/ED:

14. Mr. Gurnani, learned panel counsel for the respondent/ED submitted that the present bail application is liable to be rejected at the threshold as the applicant has failed to satisfy the mandatory twin conditions prescribed under Section 45 of the Prevention of Money Laundering Act, 2002. It was submitted that there exist reasonable grounds for believing that the applicant is guilty of the offence of money laundering and further that he is likely to commit offences while on bail. Reliance is placed on ***Vijay Madanlal Choudhary*** (supra), ***Tarun Kumar v. Assistant Director*** 2023 SCC OnLine SC 1486, ***Union of India v. Kanhaiya Prasad*** 2025 SCC OnLine SC 306 and ***Satyendar Kumar Jain v. ED*** 2024 SCC OnLine SC 317 to submit that the rigours of Section 45 are mandatory, constitutionally valid, and apply equally to regular as well as anticipatory bail.

15. It was further submitted that a strong *prima facie* case is made out against the applicant, who has been arrayed as an accused in the



supplementary prosecution complaint. The material on record, including statements recorded under Section 50 of the PMLA, demonstrates the applicant's involvement in the laundering of proceeds of crime. Furthermore, such statements are admissible and possess evidentiary value even at the stage of bail, as held in ***Amanatullah Khan v. ED*** 2024 SCC OnLine Del 1658.

16. The learned counsel submitted that offences under the PMLA are not ordinary crimes but constitute grave economic offences having serious repercussions on the financial system, sovereignty, and integrity of the nation. Reliance was placed upon ***Nimmagadda Prasad v. CBI*** (2013) 7 SCC 466 and ***Gautam Kundu v. ED*** (2015) 16 SCC 1 to submit that economic offences form a class apart and warrant a stricter approach in matters of bail.

17. It was submitted that the seriousness of the offence alone is sufficient ground to deny bail, particularly in cases involving complex money trails and large-scale laundering of illicit funds. The learned counsel submits that grant of bail in such cases would erode public confidence in the criminal justice system and may hamper ongoing investigation. Reliance was placed upon ***State of Bihar v. Amit Kumar*** (2017) 13 SCC 751 and ***Sunil Dahiya v. State (NCT of Delhi)*** (2016 SCC OnLine Del 5566) in support of his arguments.

18. It was further submitted that the applicant fails the triple test of bail- flight risk, possibility of influencing witnesses, and tampering



with evidence. The applicant deliberately avoided summons issued by the ED, failed to cooperate with investigation, and compelled the issuance of a Non-Bailable Warrant.

19. Lastly, Mr. Gurnani, submitted that the Supreme Court has already set aside the anticipatory bail granted to the applicant, recognizing the gravity of allegations and necessity of custodial interrogation. It was reiterated that the offence of money laundering is an independent offence, distinct from the predicate offence, as held in *Vijay Madanlal Choudhary* (supra) and *Pavana Dibbur v. ED* (Criminal Appeal No. 2779/2023).

20. It is submitted that the role of the present applicant is higher than that of the co-accused Amritpal Singh, whose anticipatory bail was recently dismissed by this court on 01.08.2025. It is further submitted that the applicant cannot avail bail on account of prolonged incarceration as the trial is at a nascent stage. The applicant was fraudulently using alias name “Ravi Mehra” while committing the offence that is the reason for his name not being in the first ECIR. In view of the statutory presumption under Section 24 PMLA, the gravity of allegations, and binding precedents, it is submitted that the applicant is not entitled to the discretionary relief of bail.

Analysis and Conclusion

21. The Court has considered the rival submissions and perused the material placed on record. At the stage of bail, the Court is not



required to conduct a mini-trial, but to assess whether there exist reasonable grounds for believing that the applicant is guilty of the offence and whether he is likely to commit any offence while on bail, as contemplated under Section 45 of the PMLA. These twin conditions, though stringent, are not insurmountable and must be applied on the basis of the material available, tested against settled principles governing personal liberty under Article 21 of the Constitution.

22. In the present case, the prosecution has primarily relied upon statements of co-accused recorded under Section 50 of the PMLA to attribute the role of a “kingpin” to the applicant. At this stage, the Court *prima facie* finds merit in the contention of the applicant that such statements, which are contradictory *inter se* and largely uncorroborated by independent documentary or electronic evidence directly linking the applicant to the alleged foreign remittances, cannot by themselves conclusively establish the existence of “proceeds of crime” in his hands. Significantly, no forged Form 15CA/CB, bank account operated by the applicant for outward remittance, or direct flow of the alleged laundered funds into his accounts has been demonstrated *prima facie*.

23. The material placed on record further indicates that the transactions involving the applicant’s wife and mother have been explained, at least *prima facie*, as loans and commission income



supported by bank statements, income tax returns, and TDS certificates. At the stage of bail, these explanations cannot be summarily rejected as illusory proceeds of crime without a clear and demonstrable nexus with the scheduled offence. In the absence of such foundational facts, the rigor of Section 45 stands diluted, as held by the Supreme Court in **Vijay Madanlal Choudhary** (supra), when the existence of proceeds of crime itself is seriously in doubt.

24. The Court also finds substance in the submission that a material change in circumstances has occurred. This Court had previously granted anticipatory bail to the applicant on 11th January 2024 in BAIL APPLN. 2073/2023. However, the same was set aside by the Hon'ble Supreme Court on the limited ground that custodial interrogation was required, noting the applicant's failure to appear before the investigating agency on multiple occasions. The Hon'ble Supreme Court expressly clarified that its observations and findings would have no bearing on the consideration of the applicant's regular bail application. The applicant has already undergone custodial interrogation pursuant to the order of the Hon'ble Supreme Court, and the Enforcement Directorate has now filed its third supplementary prosecution complaint, thereby concluding the investigation *qua* the applicant. No further custodial interrogation is sought. Continued incarceration in such circumstances would amount to pre-trial



punishment, particularly when the maximum sentence prescribed under Section 4 of the PMLA is seven years.

25. In ***Sanjay Chandra v. CBI***, (2012) 1 SCC 40, the Hon'ble Supreme Court while granted regular bail to the appellant therein *inter alia* held as under;

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an



un-convicted person for the purpose of giving him a taste of imprisonment as a lesson.

25. The provisions of Cr.PC confer discretionary jurisdiction on criminal courts to grant bail to the accused pending trial or in appeal against convictions; since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, is a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognised, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual.

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46. We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.”

26. Recently, the Hon'ble Supreme Court in the case of **Arvind Dham Vs. Directorate of Enforcement (Neutral Citation 2026 INSC 12)**, while granting bail in an economic offence, held as under:-

“15. We have given our thoughtful consideration to the rival submissions and have carefully perused the record. The court while dealing with the prayer for grant of bail has to consider gravity of



offence, which has to be ascertained in the facts and circumstances of each case. One of the circumstances to consider the gravity of offences is also the term of sentence i.e., prescribed for the offence, the accused is alleged to have committed⁵. The court has also to take into account the object of the special Act, the gravity of offence and the attending circumstances along with period of sentence. All economic offences cannot be classified into one group as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the Court to categorize all the offences into one group and deny bail on that basis. It is well settled that if the State or any prosecuting agency including, the court, concerned has no wherewithal to provide or protect the fundamental right of an accused, to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. The aforesaid proposition was quoted with approval by another two-Judge Bench of this Court and it was held that long period of incarceration for around 17 months and the trial not even having commenced, the appellant in that case has been deprived of his right to speedy trial.

16. A two-Judge Bench of this Court in **V. Senthil Balaji's** case has held that under the statutes such as PMLA, where maximum sentence is seven years, prolonged incarceration pending trial may warrant grant of bail by Constitutional Courts, if there is no likelihood of the trial concluding within a reasonable time. Statutory restrictions cannot be permitted to result in indefinite pretrial detention in violation of Article 21.

17. A three Judge Bench of this Court in **Padam Chand Jain** (supra), reiterated that prolonged incarceration cannot be allowed to convert pretrial detention into punishment and that documentary evidence already seized by the prosecution eliminates the possibility of tampering with the same.

18. The right to speedy trial, enshrined under Article 21 of the Constitution, is not eclipsed by the nature of the offence. Prolonged incarceration of an under-trial, without commencement or reasonable progress of trial, cannot be countenanced, as it has the effect of converting pretrial detention into form of punishment. Economic offences, by their very nature, may differ in degree and



fact, and therefore cannot be treated as homogeneous class warranting a blanket denial of bail.

19. In the backdrop of aforesaid well settled parameters with regard to exercise of jurisdiction for grant of bail in economic offences, we now advert to the facts of the case in hand. The appellant has joined the investigation even prior to his arrest i.e., 19.06.2024 and 02.07.2024 as well as on 09.07.2024. Thus, he has cooperated with the investigation. Out of 28 individuals, only the appellant has been arrested. The order dated 20.08.2025 of the Special Court records the submission of ED that investigation qua the appellant has concluded. The maximum sentence which can be imposed on the appellant is seven years. The appellant is in custody for past around 16 months and 20 days. It is pertinent to note that various Benches of this Court, while taking into account the period of incarceration which ranges from 3 months to 17 months in several cases have granted bail to the appellants therein. In the instant case, no cognizance has been taken on the prosecution complaint and the proceeding is at the stage of scrutiny of documents. No material has been placed on record to show the fate of the application filed by the ED on 27.09.2025 seeking day-to-day hearing even after period of approximately three months has expired. There are 210 witnesses to be examined in the proceeding. There is no likelihood of trial commencing in the near future. The continued incarceration in such circumstances, particularly where the evidence which is primarily documentary in nature, is already in custody of the prosecution, violates the right of the appellant to speedy trial under Article 21 of the Constitution of India.”

27. As regards the triple test, the applicant has deep roots in society, has no criminal antecedents, and there is no material on record to suggest any attempt on his part to influence witnesses or tamper with evidence after his arrest, the apprehension of flight risk or re-offending is purely speculative, particularly when stringent conditions can be imposed to secure his presence during trial. The gravity of the offence, though undeniable, cannot by itself be the sole ground to



deny bail, especially when the investigation is complete and the trial is yet to commence. Notably, the prosecution has cited as many as 50 witnesses and 158 RUDs running into over 11,000 pages, and the likelihood of the trial concluding in the near future is remote, in this case continued detention of the applicant is not warranted.

28. In view of the aforesaid discussion and in the light of the aforesaid judicial pronouncements, continued incarceration of the applicant with no possibility of trial being completed in near future, restrictions provided under Section 45 of PMLA would not come in the way of ensuring the right of personal liberty and speedy trial under Article 21 of the Constitution. Hence, the continued detention of the applicant is not warranted, and his liberty can be adequately safeguarded by imposing appropriate conditions. Accordingly, the present application is allowed and the applicant is admitted to regular bail, upon furnishing a personal bond of Rs.1,00,000/- alongwith a surety of the like amount to the satisfaction of the Trial Court/Duty MM and subject to the following conditions:

- a) The applicant shall regularly appear before the trial court as and when directed;
- b) The Applicant shall surrender his passport and shall not travel abroad without the permission of the Trial Court;



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- c) that applicant shall not try to contact any of the prosecution witnesses and shall not directly or indirectly threaten or intimidate them;
 - d) the applicant shall remain available on the address, to be given to the IO;
 - e) Upon being released, applicant shall share his mobile number to the IO and shall keep the same operational all the times;
 - f) In case of change of residential addresses and/or mobile number, the applicant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
29. In view of the above, the petition alongwith any pending application, if any, stand disposed of.
30. Nothing stated herein shall tantamount to be an expression on the merits of the case.

RAVINDER DUDEJA, J.

January 29, 2026/na/^{RM}