



101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26482-2025

Date of Decision :21.05.2025

Surender Panwar

...Petitioner

Versus

Directorate Of Enforcement

....Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Sajal Bansal, Advocate and
Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Zoheb Hossain, Special counsel,
(through Video Conferencing) and
Mr. Lokesh Narang, Senior Panel counsel,
for the respondent-ED.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed for setting aside the order dated 09.12.2024, Annexure P-6, passed by the Special Judge (PMLA), Haryana at Ambala, in complaint case no.COMA/5/2024 dated 16.09.2024 titled *Directorate of Enforcement v. Surender Panwar and others*, arising out of Enforcement case Information Report, i.e., ECIR/GNZO/19/2023 DATED 23.09.2023, under Sections 65 of PMLA, 2002 read with Section 187(3) BNSS, 2023, registered by the Gurugram Zonal office of the Directorate of Enforcement.

2. Learned senior counsel contends that the ECIR was registered on 23.09.2023, and the complaint on that basis was filed on 16.09.2024 before the trial Court. In terms of law laid down by the Supreme Court in SLP(Crl.) 2766 of 2025 titled *Kushal Kumar Agarwal v. Directorate of Enforcement*, it is mandatory for the Court to issue notice to the petitioner under proviso to Section 223(1) of BNSS before taking cognizance, which has not been done.



3. Learned counsel for the respondent, on instructions, fairly concedes that pre-cognizance hearing is required by issuing notice to the petitioner under proviso to Section 223(1) of BNSS, since the complaint has been filed after 01.07.2024.

4. In view thereof, the impugned order, dated 09.12.2024, is set aside directing the PMLA Court to pass a fresh order after affording opportunity of hearing to the petitioner in terms of the statutory requirement, within a period of two months of receiving a certified copy of this order.

5. Accordingly, the petition stands disposed of.

May 21, 2025

ps

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*