

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17755 of 2019
Date of decision:18.04.2019

Rahul Modi

... Petitioner

Vs.

Union of India and another

... Respondents

CRM-M-17756 of 2019

Mukesh Modi

... Petitioner

Vs.

Union of India and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sameer Rohtagi, Advocate and
Mr. Gorav Kathuria, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two petitions filed on behalf of the petitioners stated to have been involved in the investigation being initiated by the Ministry of Corporate Affairs under the provisions of Section 212(1)(c) of the Companies Act, 2013 (for short “2013 Act”) being investigated by the Serious Fraud Investigating Officer (SFIO) New Delhi i.e. cognizable offence having been taken under the provisions of Section 447 of 2013 Act. Prayer in the present petitions is two fold:- regular bail and

interim bail.

At the outset, Mr. Sameer Rohtagi, learned counsel assisted by Mr. Gorav Kathuria, Advocate appearing on behalf of the petitioners submitted that regular bail is already pending adjudication before the Special Court, Gurugram. The petitioners were arrested on 10.12.2018 but under the order of the Hon'ble Delhi High Court dated 20.12.2018, were released on interim bail w.e.f.21.12.2018 to 01.04.2019. The aforementioned order on the question of law, was set aside by the Hon'ble Supreme Court. During all this period, the petitioners remained on interim bail and joined the investigation. Firstly, they were on judicial remand and thereafter, in judicial custody.

He submitted that mother of the petitioner in CRM-M-17756 of 2019 and grandmother of the petitioner in CRM-M-17755 of 2019 is seriously ill as per the medical record commencing from 02.01.2019 where she is patient of Tz DM/LV Dysfunction LVF: Hypoxia, Hyponatremia and Diabetic Nephropathy under super specialty facilities and probably may be in her last stage. Now as per the medical record, she has been shifted to U.N.Mehta Ahmedabad from Nursing Home at Sirohi. The trial Court on 13.04.2019 till 17.04.2019 was not working therefore, could not move an application for interim bail, though application for regular bail is listed for 20.04.2019.

Attention of this Court was also drawn to advance notice dated 15.04.2019, Annexures P15 issued to the respondent for moving interim bail

application.

Notice of motion.

Mr. Alok Jain, Advocate who is present in Court accepts notice on behalf of the respondents and submitted that during this period while on interim bail, had misused the concession, assembled the people and had indulged into some frivolous messaging but did not deny the factum of orders passed by the Hon'ble Delhi High Court and Supreme Court and as well as compliance of the Supreme Court order. He further submitted that in case concession of interim bail or regular bail is granted to the petitioners, there is every possibility of misuse and absconding. The trial Court is functional today.

I have heard the learned counsel for the parties, appraised the paper book and deem it appropriate to dispose of the petitions by issuing directions to the Special Court, Gurugram to decide their regular bail petition pending adjudication on 20.04.2019 itself. Prayer for regular bail is thus decided. However, keeping in view the medical grounds referred to above, as an interim measure, I grant the interim bail to the petitioners for the period of fifteen days from the date of release subject to the further condition that petitioners shall be escorted by two police officials and throughout will be treated to be in custody of the police. Their expenses shall be borne by the petitioners and in case of any misuse, liberty is granted to the respondents to move an appropriate application. The petitioners will be produced by the police after expiry of two weeks from the date of release

escorted by the police.

The petitions stand allowed.

A photocopy of this order be given dasti to the learned counsel
for the petitioner under the signature of the Reader of this Court.

(AMIT RAWAL)
JUDGE

April 18, 2019

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No