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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.14213 of 2026

Date of Decision: 16.04.2026

Rohit Modi

.....Petitioner

versus

Serious Fraud Investigation Officer, CGO Complex, New Delhi

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikram Chaudhri, Senior Advocate with
Mr. Hargun Sandhu, Advocate;
Mr. Rishab Tewari, Advocate and
Mr. Kabir Singh Brar, Advocate
for the petitioner.

Ms. Puneeta Sethi, Senior Panel Counsel
for the respondent-UI.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing/setting aside the order dated 07.01.2026 passed in CIS No.COMA/5/2019 titled as 'Serious Fraud Investigation Officer vs. Adarsh Build Estate Ltd. & 186 Ors' passed by the learned Additional Sessions Judge, Gurugram, Haryana whereby the application of the petitioner to exempt his personal appearance has been rejected and non bailable warrants of arrest have been issued in a patently routine and mechanical manner contrary to the settled tenets of law. Further prayer has been made for staying the operation of order dated 07.01.2026 passed by the learned trial Court along with all consequential proceedings arising therefrom.

It has been contended by learned Senior counsel for the



petitioner that the petitioner has been falsely prosecuted in a complaint case bearing CIS No.COMA/5/2019 dated 18.05.2019, under Sections 58A, 58AAA, 211(7), 227, 628, 233 of Companies Act, 1956; Sections 74(3), 76A, 448, 147, 447, 448, 143, 144, 141(3)(e) of Companies Act, 2013 and Section 120-B of IPC read with Sections 406, 417, 418, 420, 467, 468, 471, 477A, 474 of IPC, titled as 'Serious Fraud Investigation Officer vs. Adarsh Build Estate Ltd. & 186 Ors'. He has submitted that the learned trial Court vide order dated 03.06.2019 had summoned the petitioner along with other accused persons. He has submitted that since the petitioner was already in custody in case bearing FIR No.24, dated 28.12.2018, under Sections 120-B, 406, 409, 420, 467, 468, 471 & 477(A) of IPC, registered by the Special Operation Group (SOG) in Rajasthan, production warrant was issued against him and thereafter, on 13.08.2019, he was sent to judicial custody in the present case. He has further submitted that after registration of the complaint case, the petitioner was granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 12.04.2023 passed in CRM-M-34516-2022. He has submitted that the petitioner on 19.05.2023 had furnished his bail bonds in pursuance to the order dated 12.04.2023 passed by this Court. He has submitted that the petitioner remained incarcerated in Rajasthan, however, he was granted the concession of interim bail by the Hon'ble Court of Judicature for Rajasthan at Jodhpur in SB Criminal Writ Petition No.2650/2025 on the ground of medical condition of his wife on 11.09.2025, which was thereafter extended vide order dated 09.12.2025. He has submitted that after granting him the concession of bail, the petitioner was regularly appearing before the learned trial Court,



Gurugram in the present complaint case. He has submitted that the learned trial Court vide order dated 07.01.2026 had granted the exemption to petitioner's wife on the ground of her medical condition but had declined the prayer made by the petitioner seeking personal exemption for taking care of his wife. He has further submitted that the bail bonds and surety bonds already furnished by the petitioner stand forfeited on account of his absence and as such, issued non bailable warrants against the petitioner to secure his presence. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him. He has submitted that the impugned order is nothing but an abuse of the process of the Court and thus, deserves to be set aside.

5. Learned counsel for the State, on the other hand, has vehemently opposed the contentions raised by learned counsel for the petitioner and has contended that non bailable warrants of arrest were rightly issued against the petitioner, as he failed to appear in the Court despite orders.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a complaint case bearing CIS No.COMA/5/2019 dated 18.05.2019, under Sections 58A, 58AAA, 211(7), 227, 628, 233 of Companies Act, 1956; Sections 74(3), 76A, 448, 147, 447, 448, 143, 144, 141(3)(e) of Companies Act, 2013 and Section 120-B of IPC read with Sections 406, 417, 418, 420, 467, 468, 471, 477A, 474 of IPC, titled as 'Serious Fraud Investigation Officer vs.



Adarsh Build Estate Ltd. & 186 Ors, in which, he was granted the concession of regular bail by this Court vide order dated 12.04.2023 passed in CRM-M-34516-2022. The learned trial Court vide order dated 07.01.2026 had granted the exemption from personal appearance to petitioner's wife on the ground of her medical condition but the prayer made by the petitioner seeking personal exemption for taking care of his wife was declined. Bail bonds and surety bonds already furnished by the petitioner stand forfeited on account of his absence and as such, issued non bailable warrants against the petitioner to secure his presence vide order dated 07.01.2026. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition stands disposed of and the impugned order dated 07.01.2026 along with all subsequent proceedings arising therefrom is hereby *set aside* subject to payment of costs of Rs.5,00,000/- **to be paid to the Indian Red Cross Society, UT Branch, Sector 11, Chandigarh** within a period of 07 days from the date of receipt of certified copy of this order. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application along with the receipt of deposit of above-said costs, then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.



6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he have no benefit of this order and the impugned order dated 07.01.2026 would stands automatically revived and the present petition shall be deemed to have been dismissed.
7. Disposed of in above terms.

16.04.2026

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Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE