

CRM-M No.14074 of 2026

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2026-PH-HC-057013



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

**CRM-M No.14074 of 2026
Date of Decision: 16.04.2026**

Meenakshi 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-UOI.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for calling of record of CNR No.HRGR01-007022-2019, CIS No.COMA/5/2019, dated 18.05.2019, titled as 'Serious Fraud Investigation Officer vs. Adarsh Build Estate Ltd. and 186 Ors' pending in the Court of learned Additional Sessions Judge, Gurugram, Haryana with respect to proceedings qua the petitioner, who has been arraigned as accused No.132 in the prosecution complaint including the proceedings relating to the application dated 27.02.2025 moved by the petitioner for fixing a date for her appearance so as to furnish bonds in terms of Section 91 of BNSS. Further prayer has been made for directing the learned trial Court to comply with the order



dated 20.05.2022 passed by the Hon'ble Supreme Court in SLP (Crl) No.4732 of 2022 titled as 'Meenakshi Modi and Anr vs. Union of India' protecting the petitioner's liberty and accordingly, accept her bail/surety bonds since she has never been arrested by the respondent SFIO in exercise of powers under Section 212(8) of Companies Act. Further prayer has been made for setting aside and quashing all proceedings before the learned trial Court qua the coercive process adopted against the petitioner including the order dated 27.02.2025 whereby the Court proceeded to hold the application filed for fixing a date tendering of her bonds in terms of order of Hon'ble the Supreme Court as 'not maintainable' as well as the order dated 07.01.2026 whereby non bailable warrants of arrest have been issued against the petitioner in complete disregard to settled position of law. Further prayer has been made for staying the operation and execution of order dated 07.01.2026 and consequential issuance of non bailable warrants of arrest issued against the petitioner.

2. Learned Senior counsel for the petitioner has fairly submitted that he does not want to press the present petition qua rest of the abovesaid prayers mentioned in the head note and restricts his prayer qua quashing of order dated 07.01.2026 whereby non bailable warrants of arrest have been issued against the petitioner.

3. In view of the abovesaid submission made by the learned Senior counsel for the petitioner, the present petition stands dismissed qua rest of the abovesaid prayers and, thus, only survives for quashing of impugned order dated 07.01.2026 whereby non bailable warrants of arrest have been issued against the petitioner.

4. 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 throughailable warrants in the sum of Rs.10,000/- with one surety in the like amount. He has submitted that the petitioner was already prosecuted in a 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, however, in that case, he was granted the concession of interim relief vide order dated 20.12.2019 passed by the Hon’ble High Court of Judicature for Rajasthan Bench at Jaipur in DB Civil Writ Petition No.21622/2019. He has submitted that thereafter, the Hon’ble High Court of Judicature for Rajasthan Bench at Jaipur vide order dated 24.03.2022, vacated the interim order dated 20.12.2019. He has submitted that the learned trial Court vide order dated 25.03.2022 in the present complaint case summoned the petitioner and issued nonailable warrants of arrest against her. He has submitted that being aggrieved by the order dated 24.03.2022 passed by the Hon’ble High Court of Rajasthan, the petitioner approached the Hon’ble Supreme Court vide SLP No.(CrI.) 4732 of 2022 and the Hon’ble Supreme Court, vide order dated 20.05.2022, had restored the order dated 20.12.2019 and further set aside the order dated



24.03.2022. He has further submitted that the petitioner filed an application dated 27.02.2025 before the learned trial Court in the present complaint in terms of the interim relief granted by the Hon'ble Supreme Court for execution of her bonds in terms of Section 91 of BNSS, however, the same was dismissed by the learned trial Court vide order dated 27.02.2025. He has further submitted that the petitioner moved an application dated 19.09.2025 seeking permanent exemption from personal appearance before the learned trial Court in the present complaint, however, the learned trial Court vide order dated 06.11.2025, allowed the application for exemption from personal appearance on the ground of taking care of her husband, namely, Mukesh Modi for knee surgery. He has submitted that the petitioner again moved an application dated 07.01.2026 seeking exemption from personal appearance, however, the same was dismissed by the learned trial Court on the same day, i.e. on 07.01.2026 while observing that bail bonds & surety bonds already furnished by her stand forfeited on account of her absence and thereafter, issued nonailable warrants against her to secure her 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 her. 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 nonailable warrants of arrest were rightly issued against the petitioner, as she 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 the learned trial Court vide order dated 03.06.2019 summoned the petitioner along with other accused persons throughailable warrants in the sum of Rs.10,000/- with one surety in the like amount. Since the petitioner was already prosecuted in a 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, however, in that case, he was granted the concession of interim relief vide order dated 20.12.2019 passed by the Hon’ble High Court of Judicature for Rajasthan Bench at Jaipur in DB Civil Writ Petition No.21622/2019, which was later on vacated vide order dated 24.03.2022. The petitioner, being aggrieved by the order dated 24.03.2022, approached the Hon’ble Supreme Court and the Hon’ble Supreme Court, vide order dated 20.05.2022, had restored the order dated 20.12.2019 and further set aside the order dated 24.03.2022. The application filed by the petitioner dated 27.02.2025 before the learned trial Court in the present complaint in terms of the interim relief granted by the Hon’ble Supreme Court for execution of her bonds in terms of



Section 91 of BNSS was dismissed by the learned trial Court vide order dated 27.02.2025. An application moved by the petitioner seeking permanent exemption from personal appearance before the learned trial Court in the present complaint was allowed by the learned trial Court vide order dated 06.11.2025 on the ground of taking care of her husband, namely, Mukesh Modi for knee surgery. The petitioner again filed an application dated 07.01.2026 seeking exemption from personal appearance, however, the same was dismissed by the learned trial Court on the same day, i.e. on 07.01.2026 while observing that bail bonds & surety bonds already furnished by her stand forfeited on account of her absence and thereafter, issued nonailable warrants against her to secure her presence. 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/- (Rs.1,00,000/- to be paid to Punjab & Haryana High Court Bar Association Welfare Fund, Chandigarh; Rs.1,00,000/- to be paid to the High Court Employees' Welfare Association, Chandigarh; Rs.1,00,000/- to be paid to the Society for the Care of Blind, Sector 26, Chandigarh; Rs.1,00,000/- to be paid to the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh and Rs.1,00,000/- to be paid to the Day Care Centre for Elderly Disabled Home for Old &**

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Destitute People, Sector 15, 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 her 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.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, she 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.

9. Disposed of in above terms.

16.04.2026

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

**(RAJESH BHARDWAJ)
JUDGE**