

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19738-2025 (O&M)

Decided on 08.04.2025

Alifia Jafri

... Petitioner

VS.

Serious Fraud Investigation Office

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sarfraj Hussain, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks grant of regular bail in respect of complaint No.18 dated 05.11.2022 under Sections 439(2) read with Sections 436(1) (a) & (d) (2) read with Section 212 (15) of the Companies Act, 2013 read with Section 193 CrPC (Annexure P1) in which the petitioner has been summoned under Section 447 read with Section 7, 447, 448 & 449 read with 447, 12, 128, 448, 449, 447, 2(27) of the Companies Act vide order dated 30.07.2024 (Annexure P2).

Learned counsel for the petitioner contends that the petitioner was a corporate consultant and was not the decision-making authority and as such, all the decisions regarding selection of auditors were made by the finance team and even she did not have any control over the digital account of the company. He further submits that the petitioner was not responsible for opening any bank account and therefore, she did not have any knowledge about the illegal activity being carried out by the company.

It is averred that the co-accused Dortse and Wan Jun @ Aliena had committed the said fraud and they including the other co-directors of the company were the ultimate decision makers and managing the affairs of the

company and under the garb of consulting services, they indulged in acts of concealment, fabrication and forgery of legal documents with intent to deceive the government authorities and public at large. He placed reliance on the order dated 24.05.2023 in CRM-M-22247-2023 vide which this Court granted the concession of regular bail to the above-said main accused Dortse and thus the case of the petitioner is at par and even more better inasmuch as the petitioner had been joining the investigation several times and nothing incriminating has been found against her.

Heard learned counsel for the petitioner.

It is the prosecution case that as per the report of the investigation which was carried out into the affairs of Jilian Consultants India P.Ltd. (JCIPL) and 32 other companies by SFIO, racket of paper companies was unearthed with dummy directors created by JCIPL and around 30 such companies are using the email IDs of JCIPL. Various incriminating documents were found at different locations showing evidence that the company is involved with incorporation of hundreds of shell companies, recruitment of Indian and Foreign dummy directors and providing false accounting entries. These companies were running illegal businesses like loan Apps, gaming Apps, Crypto Mining Apps etc. for swindling money from general public and vanish thereafter.

The allegation against the petitioner is that she was incharge of General Administration Finance and led the acquisition of defunct NBFCs for the Chinese clients. It has come in the investigation that JCIPL under the instructions from its sister entity based in China, namely, Jilian China is found involved for incorporation of shell companies, by inducing dummy

directors and shareholders for clients of Jilian China and collect and launder the money from different public in India through social platform/Apps

The Supreme Court while granting regular bail on 18.04.2022 to an accused in SFIO matter viz. **Jainam Rathod vs. State of Haryana & Ors. Criminal Appeal No.640 of 2022** observed that “*while the provisions of Section 212(6) of the Companies Act, 2013 must be borne in mind, equally, it is necessary to protect the constitutional right to an expeditious trial in a situation where a large number of accused implicated in a criminal trial would necessarily result in delay in its conclusion. The role of the appellant must be distinguishable from the role of the main accused*”.

As per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt and since during investigation, nothing incriminating has been found and that the petitioner is ready to join the investigation in pursuance to the summoning order dated 30.07.2024 coupled with the fact that accused No.1 Dortse has already been granted the concession of regular bail by this court vide order dated 24.05.2023 in CRM-M-22247-2023, this petition is allowed and it is directed that in event of arrest, the petitioner shall be released on bail subject to his joining the proceedings before the trial court and on furnishing personal and surety bonds to the satisfaction of trial court.

The present petition is, therefore, allowed.

08.04.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No