



CRM-M-36613-2024

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288 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36613-2024
Date of decision: 1st August, 2024

Abubakkar Naviwala
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuldeep Shoeran, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The petitioner is seeking interim bail for a period of one month in case arising out of FIR No. 1 dated 04.01.2024 registered under Sections 420/468/471/120-B of IPC, 1860 and Section 66-D of Information Technology Act, 2000 at Police Station Cyber Crime NIT, Faridabad.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered against the petitioner on the basis of a written complaint filed by the complainant Amit Gupta making allegations that on 01.12.2023, a call was received by him from one person who while introducing him as Avinash, an employee of Forex World told him that his company was engaged in the business of Forex trading through some experienced Analysts of the UK and used to take 5 to 10% commission from profits. He made him telephonically talk



with one person, who was introduced as his senior. They allured him to start a business with them with an investment of 500 dollars. On being convinced by the above named Avinash and his senior, the complainant deposited an amount of Rs. 42,000/- in the bank account of said Avinash on 02.12.2023. Trade transaction started from his saving account from the very next day and the same showed profit. Gradually, he was allured to part with a sum of Rs. 30,00,000/-. It was represented to him that the trade was going in profit and was induced to invest more money. It was also told to him that there would be no withdrawal unless the trade was finished. When the complainant expressed his wish to seek withdrawal, he was compelled to finish the trade and then take the withdrawal. He borrowed money from some persons and deposited the same. In this manner, an amount of Rs. 1,21,00,000/- was got deposited by him but when he sought withdrawal, he was denied to do so and was duped of the entire money. After registration of FIR, investigation proceedings were initiated. The present petitioner was found to be involved in commission of the offence of cheating the complainant and committing forgery with him. He was arrested on 01.03.2024. On 04.07.2024, he had moved an application for extending him benefit of interim bail, before the Court of learned Additional Sessions Judge, Faridabad which was denied vide order dated 16.07.2024.

3. The present petition has been filed on the grounds and it is argued by learned counsel for the petitioner that the wife of the petitioner was pregnant with twins, who unfortunately passed away. She is in deep depression and is quite sick. Her treatment is going on. The presence of the



petitioner along with his wife is very much required at this stage. Therefore, it is prayed that he may be extended benefit of interim bail only for a period of one month so that he can take care of his wife.

4. *Per contra*, learned State counsel has submitted that the petitioner is involved in committing serious offences. Two more cases of similar nature are already pending against him. He hails from Gujarat and it is after making great efforts that he could be apprehended. There are chances of his absconding, if extended benefit of bail. It is also submitted that there are other members in the family of the petitioner as well as that of his wife, who are taking care of her and therefore, it is urged that no ground to release him on interim bail is made out.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner has placed on record Annexure P-5, a copy of some certificate issued by Dr. Ankur P. Patel, Consulting Psychiatrist, Surat to the effect that the wife of the petitioner had been suffering from major depression disorder and she requires regular treatment as well as care of her close family members and husband. It has not been disputed by the respondent-State that the twin children of the petitioner have expired and his wife is sick. However, it has also come on record that there are family members of the petitioner as well as that of his wife, to take care of her. The allegations against the petitioner are quite serious and the apprehension that he may abscond cannot be stated to be unfounded at this stage. Keeping in



view the circumstances as discussed above, no reasonable ground for extending benefit of interim bail to the petitioner is made out. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st August, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No