

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

CRM-M-34488 of 2020

DATE OF DECISION :- October 29, 2020

Sarfaraz @ Sarfuddin

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Vivek Kathuria, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Anoop Kumar Yadav, Advocate for the complainant.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Sarfaraz @ Sarfuddin, a resident of Village Leharwaadi, Punhana, District Mewat, an accused in F.I.R. No. 269 dated 10.12.2019 for offences under Sections 354D, 506, 34 IPC registered with Women Police Station, NIT, District Faridabad.

Briefly stated the facts of the case as per the prosecution story are that on 1.12.2019 (the Sunday) at about 5.44 P.M., while complainant Ruksar, aged about 25 years, a practicing Advocate at District Courts, Faridabad was present at her home located in Sector 48, Faridabad, then she received a call on her mobile phone from one Mosam, resident of Palwal, who started discussing about a rape case registered in Rajasthan. The complainant asked him to send the details on her mobile phone. During the

course of conversation, Mosam became angry and started abusing Ruksar stating that if she did not go to Rajasthan then she would be kidnapped. The complainant sensed that some other person was there with Mosam while Mosam was speaking to her on mobile phone. Mosam had stated that they were known gangsters of Palwal and police could not harm them. Mosam and his accomplice criminally intimidated Ruksar and threatened to kill her besides hurling abuses on her and attacking her moral character. The complainant informed the police in that regard and formal F.I.R. in the matter was registered and investigation in the case started.

During the course of investigation, the identity of the accomplice of Mosam came to be known as Sarfaraz @ Sarfuddin, the present petitioner. Apprehending his arrest in this case, petitioner Sarfaraz @ Sarfuddin had approached the court of Sessions by moving an application for pre-arrest bail. His such application was assigned to Additional Sessions Judge, Faridabad who vide order dated 1.10.2020 dismissed the same.

Feeling dissatisfied, petitioner accused Sarfaraz @ Sarfuddin has come to this Court praying for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

The allegation in this case have to be viewed with all seriousness. As the prosecution story goes, a young lady Advocate had been abused, threatened and her moral character was attacked by Mosam, a co-accused of the petitioner as well as the petitioner. These allegations cannot

be taken in a light manner. Merely for the reason that petitioner is not named in the F.I.R. does not give any advantage to the petitioner since after registration of the F.I.R. during the investigation, his identity got revealed, being the person who was present along with the main accused Mosam while Mosam had made a call on mobile phone of the complainant. The involvement of the petitioner in the incident comes out to be there. His custodial interrogation is definitely required to find out as to why a call on mobile phone of the complainant was made and the reason for giving threats, abuses etc. to the complainant. In case the custodial interrogation of the petitioner is denied to the investigating agency that shall leave many loopholes and gaps adversely affecting the investigation which is uncalled for. Therefore, keeping in view the gravity of the allegations against the petitioner, there is necessity for his custodial interrogation. The present petition for grant of pre-arrest bail is doomed for failure and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

October 29, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No