

CRM-M-22541-2022

Date of decision: 30.08.2022

KASHIR @ MOHAMMAD KASHIR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Afjal Hussain, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

VIVEK PURI,J. (ORAL)

Mr. Talim Hussain, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.

On 23.05.2022, the following order was passed:-

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No. 122 dated 01.04.2022 under Sections 323/354-A/498-A/406/377/506/34 IPC and Section 4 of Muslim Women (Protection of Right on Marriage Act), registered at Police Station Ferozepur Jhirka, District Nuh (Mewat).

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 24.11.2019. The present FIR has been lodged as a counter blast to FIR No. 416 dated 29.10.2021 under Sections 147/149/323 and 342 IPC, registered at Police Station Ferozepur Jhirka, District Nuh against the family members of the complainant. The FIR has been registered against the petitioner on the basis of false allegations and the marriage between the petitioner and the complainant is still subsisting.

Notice of motion.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 30.08.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation. Furthermore, the petitioner is not in possession of any articles of the complainant.

On instructions from ASI Sarita, learned State counsel also states that the petitioner has joined the investigation and his custodial interrogation is not required. However, it is submitted that the recovery of the articles of *Istri Dhan* is yet to be effected.

On a query, it has been submitted by the learned State counsel that only a list of articles has been provided but no bills of any such articles have been passed on to the Investigating Officer. Even, the counsel for the complainant has stated that tractor is yet to be recovered but it has not been specified as to who is the registered owner of the tractor.

The controversy as to whether, the articles of *Istri Dhan* were entrusted to the petitioner and the same have been misappropriated will be debatable and moot point during the course of trial.

In view of the aforesaid submissions, the order dated 23.05.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

30.08.2022
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(VIVEK PURI)
JUDGE

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