

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

212

CRM-M-25840-2020

Date of Decision: 19.01.2022.

Safana

....Petitioner.

Versus

State of Haryana and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present: Mr. Deepak Goyal, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Munfaid Khan, Advocate for the complainant.

Manjari Nehru Kaul, J. (Oral)

Learned counsel for the petitioner is seeking cancellation of bail which was granted to respondent No.2 vide order dated 04.06.2020 (annexed as Annexure P-4) of the trial Court in case FIR No.11, dated 14.01.2020, under Section 4 of Muslim Women Protection of Rights on Marriage Act and Sections 323, 406, 498-A, 506, 120-B of IPC, registered at Police Station Hathim, District Palwal.

Learned counsel submits that the trial Court gravely erred while passing the impugned order dated 04.06.2020, in violation of Section 7(c) of the Muslim Women (Protection of Rights on Marriage) Act 2019, which mandates that no accused can be released on bail without hearing his wife upon whom talaq has been pronounced.

Learned counsel for the petitioner submits that a perusal of the impugned order (Annexure P-4) clearly reveals that no notice was served upon

the petitioner and as such the impugned order dated 04.06.2020 (Annexure P-4), deserved to be set aside.

Vide order dated 25.08.2021 of this Court, the zimni orders pertaining to the proceedings before the learned Sessions Judge, Palwal, had been called for. The said orders have been received and perused. A perusal of the said zimni orders indeed reveals that no notice was given to the petitioner herein.

In the facts and circumstances, as enumerated hereinabove, the case is referred back to the learned Sessions Judge, Palwal, to decide the bail application of respondent No.2 afresh, after giving due notice to and hearing the petitioner i.e. the complainant herein, as mandated under Section 7(c) of the Muslim Women (Protection of Rights on Marriage) Act 2019.

Petition stands disposed off accordingly.

(MANJARI NEHRU KAUL)
JUDGE

19.01.2022.

J.Ram/Komal

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