

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-9150-2022 (O&M)
Date of Decision: 11.03.2024

MOHD WAHID

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Satish Chaudhary, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.24 dated 15.01.2022 registered under Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section 120-B IPC at Police Station Gadpuri, District Palwal.
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant-respondent No.2 on account of a matrimonial dispute between the parties.
3. On 09.10.2023, the Coordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner states that the Muslim Women (Protection of Rights on Marriage) Act, 2019 (hereinafter referred to as the ‘Act’) itself came into force on 31.07.2019. The date as alleged in the FIR of giving Triple Talaq is dated 09.11.2017, which is prior to the date of coming into force the Act. Vide order dated 10.03.2022 the arrest of the petitioner was stayed.

Learned counsel for the complainant has pointed out that in the order dated 24.02.2022 passed by the Additional Sessions Judge, Palwal, there is a reference to Talaq having been given on 04.01.2022 which is final and irrevocable and hence he would contend that the offence under Section 4 of the Act would be made out.

Learned counsel for the petitioner has pointed out that the complainant herein had herself gone to get a certificate issued that a divorce had been given to her by her husband i.e. petitioner herein by pronouncing one time Talaq on phone. Learned counsel for the petitioner would further contend that the petitioner was neither called nor was asked whether any such statement was made by him and the certificate was issued to the complainant.

List on 11.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned counsel for the petitioner further contends that the petitioner had joined the investigation in pursuance to the order dated 09.10.2023 passed by the Coordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ESI Fateh Singh confirms that the petitioner has joined the investigation.

6. Keeping in view the reasons recorded in the order dated 09.10.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 09.10.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11.03.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No