

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-43932 of 2021
Date of decision: 25.10.2021

Sarbjit Kaur @ Sarvjeet Kaur

...Petitioner

Vs.

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

ANOOP CHITKARA, J.(ORAL)

A woman facing prosecution under Section 138 of Negotiable Instruments Act has come up before this Court seeking anticipatory bail under Section 438 Cr.P.C. The trial court denied her request for anticipatory bail on the ground that under Section 438 of the Cr.P.C. once an accused is absconding and declared a proclaimed offender, he/she is not entitled to the concession of anticipatory bail.

The trial Court relied upon pronouncement of Hon'ble Supreme Court in the case of State of Madhya Pradesh Vs. Pardip Singh 2014 (1) RCR 269.

The facts of present case are entirely different because the allegations pertain to an economic offence that are under Negotiable Instruments Act.

Furthermore, given the current covid-19 pandemic and the fact that the accused is a woman as given in the averment, the incarceration of the accused. The incarceration of the accused would not give any benefit to the complainant but instead might cause grave injustice to the woman accused. It is clarified that the accused shall not create any delay in the trial.

Consequently, this petition is allowed and trial Court shall release her on bonds to its satisfaction.

It is clarified that disposal of this petition shall not create a bar to the petitioner to file a petition to take appropriate proceeding for challenging the proclamation orders either before trial Court or before this Court.

**(ANOOP CHITKARA)
JUDGE**

October 25, 2021

Poonam Sharma

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No