

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48351-2021 (O&M)
Date of Decision:-18.11.2021

Ms. Ritu Jankiprasad Shah

... Petitioner

Versus

Fortune Metaliks Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Maddan, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail as the petitioner apprehends her arrest consequent upon the Trial Court having cancelled her bail vide order dated 6.10.2021 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Ludhiana.

Learned counsel for the petitioner submits that the petitioner is a resident of Bombay, whereas the trial is proceeding in Ludhiana. It has been submitted that the matter arises out of a complaint under Section 138 of Negotiable Instruments Act and although she had been appearing and had been coming down from Bombay but on 6.10.2021 she could not come to Ludhiana as her mother had passed away on 5.10.2021.

I have considered the aforesaid submissions.

A perusal of order dated 1.11.2021 (Annexure P-10) passed by learned Additional Sessions Judge, Ludhiana shows that the learned Court declined the application for grant of anticipatory bail mainly on the ground that certain directions had been issued by this Court on 9.1.2019 that the petitioner would not seek any exemption.

This Court finds that in the instant case, it was absolutely on account of some unforeseen and unfortunate circumstances i.e. the loss of petitioner's mother that she could not appear before the Trial Court on the date fixed.

In view of the aforesaid position, this Court deems appropriate to direct the petitioner to appear before the Trial Court on 25.11.2021 i.e. the date already fixed before the Trial Court and to move an application for grant of regular bail. The Trial Court shall dispose off the same expeditiously preferably on the day of filing such application in view of the judgment passed by this Court in CRM-M-39172 of 2021 titled Pawan Kumar Vs. State of Haryana and another decided on 21.9.2021, while adopting a humane approach keeping in view that there had been a bereavement in the immediate family of the petitioner i.e. the demise of her mother.

The petition stands disposed off accordingly.

18.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No