

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

107

CRM-M-31881 of 2020

Date of decision:9.10.2020

Manish Jain

... Petitioner

versus

Haryana State Pollution Control Board

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Aditya Jain, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail in complaint no.32/10 dated 16.12.2010 (copy Annexure P-1), titled as Haryana State Pollution Control Board vs. M/s Bani Technology Services Private Limited and others, pending for 27.11.2020, under Section 15 of the Environment Protection Act, 1986.

Learned counsel for the petitioner submits that the petitioner having resigned from the company against whom the proceedings under the Environment Protection Act, 1986, were pending, prior to any occurrence of pollution, he thereafter remained absent only on one occasion on account of which his bail and surety bonds were forfeited and thereafter he has even been admitted to bail in the case registered against him under the provisions of Section 174-A of the IPC and therefore, he deserves to be admitted to bail in the present case also.

However, looking at the fact that the petitioner though may have earlier remained absent only on one occasion (as has been contended), thereafter he was obviously declared to be a proclaimed person upon not having appeared for a long time and having in fact remained absent from 2016 till date, in the complaint case.

Consequently, he also having been declared to be a proclaimed person in between, I see no reason to entertain this petition seeking anticipatory bail, which is hereby consequently dismissed.

However, upon the petitioner surrendering before the trial court, looking at the circumstances given hereinabove and the fact that he has been admitted to bail in the case registered under the provisions of Section 174-A of the IPC (as contended before this court), the trial court would dispose of any application made by him under the provisions of Section 439 of the Cr.P.C., very expeditiously.

9.10.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No