

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

102

CRM-M-49112-2021

Date of Decision : November 24, 2021

RAJESH KUMAR YADAV

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. J.K.Singla, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.101 dated 27.6.2020 under Sections 18, 25 of NDPS Act, registered at Police Station, Jhunir, District Mansa.

The learned counsel for the petitioner has submitted that the petitioner was granted regular bail by the learned trial Court and thereafter on one date he could not appear and his bail was cancelled and non-bailable warrants were issued against him. He submitted that the reason for non-appearance of the petitioner was that he was arrested in some other case and, therefore, he could not appear.

On the other hand, the learned State counsel has submitted that the present petition for anticipatory bail is not maintainable in view of the law laid down by the Hon'ble Supreme Court in **Manish Jain Vs.**

Haryana State Pollution Control Board, CrI. Appeal No.5385 of 2020 decided on 20.11.2020. She further submitted that once the petitioner had jumped the bail and non-bailable warrants were issued against him and especially when the matter pertained to NDPS Act, the petitioner instead of filing anticipatory bail application before this Court should have immediately surrendered before the learned trial Court and should have filed appropriate application in accordance with law.

I have heard the learned counsels for the parties.

After the petitioner jumped the bail, non-bailable warrants were issued against him on 14.9.2021 and since then more than two months have elapsed and the petitioner is absconding and instead of surrendering before the learned trial Court he has chosen to file the present petition for anticipatory bail. Once the petitioner did not appear before the learned trial Court for any reason then thereafter he should have surrendered before the learned trial Court at the earliest possible opportunity and, therefore, such a petition for grant of anticipatory bail would not be maintainable.

In view of the above, the present petition is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

November 24, 2021

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No