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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2148-2022

Decided on: 14th February, 2022

Lakhan

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 259, dated 22nd December, 2020 under Sections 328 IPC read with Section 34 IPC (Section 307 IPC was added later on), registered at Police Station Nangal, District Rupnagar.

[2] The petitioner was granted bail by this Court on 11th June, 2021, he absented from the trial and non-bailable warrants were issued on 12th November, 2021.

[3] Mr. Naveen Batra, learned counsel for the petitioner submits that absence of the petitioner was not intentional.

[4] The Supreme Court in *Manish Jain v. Haryana State Pollution Control Board, 2021(1) AICLR 416* has held that even while being on bail, the accused is deemed to be in constructive custody and

petition under Section 438 Cr.P.C. is not maintainable.

[5] In view of the law laid down by the Supreme Court, the present petition is dismissed being not maintainable.

[AVNEESH JHINGAN]
JUDGE

14th February, 2022
pankaj baweja

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |