

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

CRM-M-No.3727 of 2022 (O&M)

DATE OF DECISION : 10.02.2022

Maninder Singh @ Manna

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vipin Kumar Sharma, Advocate for the petitioner

ALKA SARIN, J. (Oral):

Heard in virtual mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0198 dated 09.10.2017 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 379 and 411 of the Indian Penal Code, 1860 registered at Police Station Kartarpur, District Jalandhar.

Learned counsel for the petitioner would contend that the petitioner was granted regular bail on 17.10.2018 and he had been regularly appearing before the Court. However, on 11.11.2021 the

petitioner was sick and could not inform his counsel and as a result no application could be moved for exemption from personal appearance. It is further the contention that on 11.11.2021, due to non-appearance, non-bailable warrants of the petitioner were issued and the petitioner has now approached this Court for grant of anticipatory bail in view of the fact that his bail bonds stand cancelled and non-bailable warrants have been issued against him.

Heard.

The Supreme Court in the case of ***Manish Jain Vs. Haryana State Pollution Control Board [SLP (Criminal) No.5385 of 2020 decided on 20.11.2020]*** has held as under:-

“A person released on bail is already in the constructive custody of law. If the law requires him to come back to custody for specified reasons, we are afraid that an application for anticipatory bail apprehending arrest will not lie. There cannot be an apprehension of arrest by a person already in the constructive custody of the law. We, therefore, reject the prayer for anticipatory bail.”

In view of the judgment passed by the Hon’ble Supreme Court, a petition seeking anticipatory bail pursuant to cancellation of regular bail is not maintainable.

Faced with the same, learned counsel for the petitioner seeks permission to withdraw the present petition as not pressed. The learned counsel has, however, prayed that in case the petitioner surrenders before the Trial Court within a period of ten days from today and seeks regular bail, the same be heard expeditiously.

In view of the above, the present petition is dismissed as not pressed. However, in case the petitioner surrenders before the Trial Court within 10 days from today and applies for regular bail, the same shall be heard and decided within a period of 10 days thereafter in accordance with law.

(ALKA SARIN)
JUDGE

10.02.2022
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
