

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.101

CRM-M No.7353 of 2022

Date of Decision: 22nd February, 2022.

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.

By way of this petition, the petitioner seeks the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.138 dated 22.12.2017 registered at Police Station Kathunangal, District Amritsar, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, while averring that on 06.12.2021, he could not appear before the trial Court as he misunderstood the date of hearing to be 07.01.2022 and resultantly, his bail was cancelled and bail bonds were forfeited to the State and the warrant of arrest was issued against him whereas his absence in the Court on the afore-said date, was not intentional.

I have heard learned counsel for the petitioner in the present petition at the preliminary stage and have also perused the file thoroughly.

Concededly, the petitioner failed to appear in the trial Court on 06.12.2021 and due to this reason, his bail has been cancelled and bail bonds

have been ordered to be forfeited to the State and non-bailable warrants have been issued against him.

However, it has been held by Hon'ble the Supreme Court in **Manish Jain vs. Haryana State Pollution Control Board 2012(1) AICLR 416** that “a person released on bail is already in constructive custody of law and if law requires him to come back to custody for specified reasons, application for anticipatory bail apprehending arrest would not lie”.

In view of these observations, it is explicit that the petitioner does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

22.02.2022.
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Whether speaking/reasoned?	Yes
Whether Reportable?	No