

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

205

**CRM-M No.8526 of 2022
Date of Decision: 01.08.2022**

Dharambir and another

...Petitioners

Versus

State of Haryana

...Respondent

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

Present:- Mr. J.P. Jangu, Advocate
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana
for the respondent-State.

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MEENAKSHI I. MEHTA, J. (Oral)

The petitioners herein have sought the relief of pre-arrest bail in the criminal case arising out of the FIR bearing No.180 dated 05.07.2020 registered at Police Station Kasol, District Rewari, under Sections 323, 452, 506 read with Section 34 IPC, while averring that initially, they were extended the relief of regular bail but on 16.08.2021, they could not appear before the trial Court and due to this reason, their bail was cancelled and non-bailable warrants were ordered to be issued against them.

2. It is pertinent to mention here that on 28.02.2022, the Co-ordinate Bench had passed the following order:-

*“xxxxx subject to the petitioners’ appearing before
the trial Court within a period of one week from*

today, they be admitted to ad-interim bail to the trial Court's satisfaction".

3. I have heard learned counsel for the petitioners, at the preliminary stage, in this petition and have also perused the file carefully.

4. As observed earlier, the petitioners have sought the relief of pre-arrest bail while apprehending their arrest in pursuance of the non-bailable warrants issued against them by the trial Court due to their absence from the Court on 16.08.2021. However, it has categorically been observed by the Apex Court in **Manish Jain vs. Haryana State Pollution Control Board, Special Leave to Appeal (Crl.) No.5385 of 2020 (arising out of the impugned judgment and order dated 09.10.2020 in CRMM No.31881 of 2020 passed by the High Court of Punjab & Haryana at Chandigarh) decided on 20.11.2020** that "a person released on bail is already in the constructive custody of law and if law requires him to come back to the custody for specific reasons, the application for anticipatory bail apprehending arrest, would not lie". These observations are fully applicable to the present case and in the light of the same, it is explicit that the present petition is not maintainable. Resultantly, the same stands dismissed accordingly.

5. A copy of this order be sent to the concerned trial Court for necessary information.

01.08.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No