

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12066 of 2022

Date of decision: 4th April, 2022

Mohd. Hameed @ Pakka

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saleem Akhter, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition is filed seeking anticipatory bail in FIR No.244 dated 1.9.2017, under Sections 22/61/85 of the NDPS Act, 1985 registered at Police Station Samrala, District Khanna.

The petitioner was granted anticipatory bail by this court vide order dated 17.10.2018. The relevant paragraph is quoted below:

“In view of the totality of the facts and circumstances, petitioner is directed to appear before the trial court within a week and shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of the trial court with a condition that in future he would not commit even on a single default of non-appearance, till completion of trial. This order shall not be an embargo to the trial court to proceed against the petitioner under Section 446 Cr.P.C.

Disposed of.”

The petitioner absented himself before the trial court and non-bailable warrants were issued. In view of the law laid down by the Supreme Court in **Manish Jain v. Haryana State Pollution Control Board,**

2021(1) AICLR 416 once the petitioner is released on bail, he is deemed to be in constructive custody and if law requires him to come back to the custody, the application for anticipatory bail would not lie.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition. However, a request is made that the petitioner would surrender within fifteen days from today and apply for regular bail, his application be taken up expeditiously.

The petition is disposed of.

In case the petitioner surrenders within fifteen days from today and applies for regular bail, the court concerned shall take up the bail application within two days and decide it as expeditiously as possible.

[AVNEESH JHINGAN]
JUDGE

4th April, 2022
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |