

103

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

CRM-M-14669-2022

Date of decision : 07.04.2022

Harpreet Singh @ Hapoo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.64 dated 12.08.2013 registered under Sections 452, 436, 427, 148, 149 of the Indian Penal Code, 1860 at Police Station Rawalpindi, Phagwara, District Kapurthala.

In the present case, as per the case of the petitioner, the petitioner was granted bail on 02.04.2016 and thereafter, since the petitioner had not appeared before the Court, his bail order was cancelled and the bail bonds and surety bonds were forfeited to the State vide order dated 19.11.2019 (Annexure P-3). Thereafter, the petitioner was declared as proclaimed offender vide order dated 24.02.2020 (Annexure P-5). The petitioner had filed a petition bearing No.CRM-M-14338-2022 challenging

the order declaring the petitioner as proclaimed offender. The present petition has been filed for anticipatory bail. The Hon'ble Supreme Court in **Manish Jain Vs. Haryana State Pollution Control Board**, reported as **2020 SCC Online SC 1101**, has held as under:-

“1. The petitioner was granted regular bail in a prosecution under Section 15 of the Environment Protection Act, 1986. Suffice it is to observe that the bail then came to be cancelled because of non-appearance. Proceedings under Section 174A IPC ensued leading to his arrest pursuant to which he was released on bail. The petitioner now seeks anticipatory bail pursuant to the cancellation of the regular bail granted to him under Section 15 of the Act.

2. 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 above, the present petition for anticipatory bail is dismissed as not maintainable

However, the present order would not come in the way of the petitioner to pursue abovementioned petition bearing No.CRM-M-14338-2022.

07.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No