

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15133 of 2022

Date of Decision: 8th April, 2022

Swaranjeet Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. V. K. Gupta, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The petitioner is seeking anticipatory bail in FIR No. 81 dated 20.8.2020, under Sections 279, 427 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Smalsar, District Moga.

The petitioner was granted anticipatory bail on 28.09.2020. Petitioner absented before trial Court, initially bailable warrants were issued and thereafter he was summoned through non-bailable warrants.

In **Manish Jain v. Haryana State Pollution Control Board,** 2021(1) AICLR 416, the Supreme Court 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 law laid down by the Supreme Court in Manish Jain's case (supra), the present petition is dismissed as not maintainable.

[AVNEESH JHINGAN]

JUDGE

8th April, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |