

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-53731-2021
Decided on : 04.05.2022

Tarun Vaid @ Tarun

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in lieu of non bailable warrants of arrest issued against the petitioner in case FIR No. 189 dated 16.08.2011 under Sections 399, 402 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Adampur, District Jalandhar Rural.

A perusal of the petition would show that the petitioner was released on bail by the trial Court and thereafter, on account of non appearance, his bail bonds and surety bonds were cancelled and forfeited to the State and non bailable warrants were issued vide order dated 25.11.2021. The petitioner has not challenged the order dated 25.11.2021 but has filed an anticipatory bail under Section 438 Cr.P.C. directly before this Court. 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.”

Thus, in view of the abovesaid judgment, the present petition for anticipatory bail is not maintainable.

Moreover, no one has appeared before this Court in compliance of the order dated 22.12.2021.

Accordingly, the present petition is dismissed.

However, liberty is granted to the petitioner to file an appropriate petition in accordance with law which, in case filed, would be considered independently, in accordance with law.

(VIKAS BAHL)
JUDGE

04.05.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No