

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54736-2021
Date of decision : 10.05.2022

Parminder Singh @ Pamma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for issuing the direction to the trial Court to release the petitioner on anticipatory bail in FIR no.199 dated 22.11.2019 registered under Sections 324, 323, 341, 506, 148, 149 IPC (Sections 325, 308 IPC added later on) at Police Station Mehatpur, District Jalandhar Rural.

Perusal of the file would show that the petitioner was granted regular bail and subsequently on account of non appearance of the petitioner on 08.11.2021, his bail bonds and surety bonds were cancelled. The petitioner has filed anticipatory bail which is not maintainable as per the law laid down by the Hon'ble Supreme Court of India in ***Manish Jain Vs. Haryana State Pollution Control Board***, reported as ***2020 SCC Online SC 1101***. The relevant portion of the said judgment is reproduced hereinbelow:-

"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.”

None has appeared on behalf of the petitioner despite calling the case twice to show that there has been any compliance of the order dated 13.01.2022 passed by the coordinate Bench of this Court.

Keeping in view the above said facts and circumstances, the present petition for anticipatory bail is dismissed being not maintainable. It is open to the petitioner to file appropriate petition challenging the order dated 08.11.2021 and other orders, in accordance with law.

(VIKAS BAHL)
JUDGE

May 10, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No