

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

**CRM No.28358 of 2023 in
CRM-M No.32711 of 2023
Date of Decision: 17.07.2023**

Gurwinder Singh @ Motu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. D.P.S. Joura, Advocate,
for the applicant-petitioner.

* * * *

MEENAKSHI I. MEHTA, J.(ORAL)

CRM No.28358 of 2023

This application has been moved on behalf of the applicant-petitioner for seeking pre-ponement of the date of hearing in the main petition bearing **CRM-M No.32711 of 2023** from 31.07.2023 to some earlier date.

Notice in the application.

Mr. Kunwarbir Singh, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant application having been sent to the respondent-State in advance, accepts the notice and he submits that he has no objection in allowing the present application.

Keeping in view the above-said fact as well as the reasons as

mentioned in the instant application, the same is allowed and the aforementioned main petition is taken on the Board today itself.

CRM-M No.32711 of 2023

By way of the present petition, the petitioner seeks the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.163 dated 04.12.2021 registered at Police Station City Dhuri, District Sangrur, under Sections 363 and 366-A IPC, while averring that earlier, he had been extended the relief of regular bail by this Court on 31.10.2022 but during the course of the trial, he could not appear in the Court on 15.03.2023, 17.04.2023 and also on 29.05.2023 and due to this reason, his bail was cancelled and bail bonds were ordered to be forfeited to the State.

2. I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file carefully.

3. As specifically mentioned in this petition itself, the petitioner, after being initially released on regular bail, failed to appear before the trial Court on the above-said dates which led to the cancellation of his bail and the forfeiture of his bail bonds to the State. It has categorically been observed by the Apex Court in **Manish Jain vs. Haryana State Pollution Control Board 2020(20) SCC 123** that “*the person released on bail is already in the constructive custody of law and if the law requires him to come back to custody for the specified reasons, the application for anticipatory bail apprehending arrest would not lie.*” The instant case

squarely falls within the ambit of the afore-discussed observations and in the light of the same, it becomes explicit that the petitioner is not entitled to the relief/concession of anticipatory/pre-arrest bail.

Resultantly, the petition in hand stands dismissed.

17th July, 2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>