

2023:PHHC:117455

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

103

CRM-M No.44669 of 2023
Date of Decision: 06.09.2023

Moti Lal

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

The petitioner herein has sought the relief of anticipatory bail in the criminal case arisen out of FIR No.485 dated 05.10.2018 registered at Police Station Baldev Nagar, District Ambala, under Sections 307 & 326-A read with Section 34 IPC wherein the Challan is stated to have been presented under Sections 307, 326-A & 120-B read with Section 34 IPC.

2. I have heard learned counsel for the petitioner in the instant petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner contends that the petitioner had, initially, been granted the relief of regular bail by this Court vide the order dated 22.12.2020 (Annexure P-2) and had been regularly appearing in the trial Court but however, on 29.08.2023, he could not so as several buses belonging to Roadways Depot at Hisar, had been set ablaze due to

the outbreak of the communal riots and therefore, his counsel moved an application for seeking his exemption from personal appearance on that day but the trial Court has wrongly dismissed the same and has cancelled his bail and has ordered for the forfeiture of the bail bonds as furnished by him and has also issued the warrant of arrest against him despite the fact that his non-appearance in the Court on the said date was unintentional and in these circumstances, he deserves the relief, as prayed for in this petition.

4. However, it is pertinent to mention here that the Apex Court has categorically observed 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 the custody for the specific reasons, the application for anticipatory bail apprehending arrest would not lie”*. The present case squarely falls within the four corners of the afore-cited observations and in view of the same, it becomes explicit that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

06.09.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No