

IN THE COURT OF SH.DINESH KUMAR,
ADDITIONAL SESSIONS JUDGE,
(UID:PB0445)
MANSA.

Bail application No.659 dated 23.11.2021
CNR No.PBMN01-006410-2021
CIS No.BA/1681/2021
Date of Order: 02.12.2021

Jeon Singh age about 29 year son of Labh Singh, resident of Kot Lallu
Tehsil and District Mansa.

Applicant-accused.

Versus

State of Punjab

FIR No.82 dated 10.04.2019,
U/s 305, 34 of Indian Penal Code,
PS Sadar Mansa.

Application for grant of bail under Section 438 Cr.P.C.

Present; Sh.Raghvir Singh, Learned counsel for applicant-accused.
Sh.Jasvir Singh, Learned Additional PP for respondent State

ORDER

1. This order of mine shall dispose of anticipatory bail application filed by aforesaid applicant/accused in case FIR No.82 dated 10.04.2019, U/s 305, 34 of Indian Penal Code, PS Sadar Mansa.

2. Shri Raghvir Singh, learned counsel for the applicant has argued that applicant/accused met with an accident and due to this reason, he could not appear in the court on 07.10.2021 and then non bailable warrants were issued against him. He further argued that absence of the applicant/accused has not intentional but due to aforesaid unavoidable circumstances. He further argued that applicant is ready to join the proceedings of the learned trial court. With these submissions, he prayed for grant of bail to the applicant/accused.

3. Per contra, learned Additional PP for State has submitted that applicant is not entitled for the concession of bail as he had violated the terms and conditions of bail order. He further argued that anticipatory bail application of the applicant is not maintainable. With these submissions, he prayed for dismissal of the bail application.

4. I have heard the rival contentions of both sides and perused the record.

5. As per the submissions of learned counsel for the applicant, the bail order of the applicant was cancelled on 07.10.2021. In **Manish Jain Vs. Haryana State Pollution Control Board SLP (Criminal) No.5385/2020**, the petitioner was granted regular bail in prosecution under section 15 of the Environment Protection Act, 1986, the bail was cancelled because of non appearance of the petitioner. The petitioner filed the anticipatory bail pursuance to the cancellation of the regular bail granted to him. The Hon'ble 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 reason, 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.”

6. In view of the ratio laid down by the Hon'ble Supreme Court, it is manifest that anticipatory bail application is not maintainable by a person who apprehends his arrest after cancellation of regular bail. Therefore,

present bail application stands dismissed. Bail application be attached with main case file which is pending before this court.

Pronounced:02.12.2021

(Dinesh Kumar).
Addl. Sessions Judge,
UID:PB0445
Mansa.

Raj/SG-1

Jeon Singh Vs. State of Punjab

Present; Sh.Raghvir Singh, Learned counsel for applicant-accused.
Sh.Jasvir Singh, Learned Additional PP for respondent State

Record produced. Arguments heard. Vide my separate detailed order of even date, present bail application is dismissed. Bail application be attached with main case filed which is pending before this court.

Pronounced:02.12.2021

(Dinesh Kumar).
Addl. Sessions Judge,
UID:PB0445
Mansa.