

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 5385/2020

(Arising out of impugned final judgment and order dated 09-10-2020 in CRMM No. 31881/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

MANISH JAIN

Petitioner(s)

VERSUS

HARYANA STATE POLLUTION CONTROL BOARD

Respondent(s)

(With IA No. 112593/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-11-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Ankit Swarup, AOR
Mr. G. K. Budhiraja, Adv.
Mr. Jawad Tariq, Adv.
Mr. Tushar Budhiraja, Adv.

For Respondent(s)

Dr. Monika Gusain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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.

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.

But, if the petitioner surrenders within two weeks from today and seeks regular bail, we direct that it shall be considered on the very same day.

Advance copy shall be served on the public prosecutor to facilitate the hearing.

Any such application for regular bail has to be considered on its own merits including the fact that originally he had been released on bail and such other grounds that may be raised without being prejudiced by our present order.

The special leave petition stands disposed of.

Pending application stands disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER