

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

**CRM-M No.53698 of 2021
Date of Decision: 06.01.2022.**

Gulzari Lal

.....Petitioner

Versus

State of Punjab & Others

.....Respondents

(Heard through Video-Conferencing)

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

Present:- Mr. Achin Gupta, Advocate
for the petitioner.

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MEENAKSHI I. MEHTA, J.

The petitioner has preferred this petition for seeking the relief of blanket anticipatory bail by way of the issuance of appropriate directions to respondents No.2 to 4 to serve 07 days' notice to him before arresting him in the event of registration of the criminal case on the basis of the complaint moved by his son named Rakesh Kumar, against him.

Shorn and short of unnecessary details, the averments, as canvassed by the petitioner in the instant petition, are that his afore-named son and his wife Smt. Satya Rani have been harassing him since long, so as to pressurise him to transfer all his immovable properties in their favour and to hand over all his valuable movable assets to them. They have also been moving false complaints to the police against him from time to time.

One such complaint has again been moved by his son while levelling false allegations against him regarding cheating and forgery etc and the enquiry in respect thereof is pending with respondent No.4 and he is being called repeatedly in connection with the said enquiry.

I have heard learned counsel for the petitioner in the present petition at the preliminary stage and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner apprehends his arrest in the criminal case that may be registered against him, if any, on the basis of the above-said false and frivolous complaint as moved by his son against him and therefore, he deserves the relief as prayed for in this petition. To buttress his contention, he places reliance upon **Bhajan & Others vs. State of Haryana & Others 1990(2) RCR (Criminal) 515 (P&H) (SB).**

However, this contention does not hold much water because the pre-requisite for seeking the relief of anticipatory bail, as envisaged under Section 438 Cr.P.C, is that the applicant must have reason to believe that he may be arrested on the accusation of having committed a non-bailable offence. Mere pendency of the said complaint against the petitioner does not suffice at all to substantiate the fulfilment of the afore-referred pre-requisite by him, so as to claim the said relief. Moreover, the Constitution Bench of the Hon'ble Supreme Court has categorically observed in **Gurbaksh Singh Sibbia and Ors. vs. State of Punjab AIR 1980 SC 1632** that "*a blanket order of anticipatory bail should not generally be passed and Section 438(1) Cr.P.C cannot be invoked on the*

basis of vague and general allegations, as if to arm oneself in perpetuity against possible arrest and anticipatory bail is a device to secure the individual's liberty and it is neither a passport to the commission of the crimes nor shield against any kinds of accusation, likely or unlikely". In view of these observations, the verdict, as rendered in **Bhajan & Others** (*supra*), is of no avail to the petitioner and even otherwise, the facts and circumstances of the case in hand are quite distinguishable from those of the mentioned above.

As a sequel to the fore-going discussion, it follows that the present petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

06th January, 2022.
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(MEENAKSHI I. MEHTA)
JUDGE

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