

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

106

CRM-M-36765 of 2023

Date of Decision:31.07.2023

Gurpreet Singh Bhamra and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Baghla, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 read with Section 438 of the Code of Criminal Procedure for grant of blanket bail/pre-arrest bail to the petitioner in any complaint or FIR registered by the private respondent.
2. Learned counsel for the petitioner submitted that there was a dispute between the petitioners and respondent No.4 which started in a Society where they are residing and the dispute is pertaining to a dog and thereafter filthy and abusive language was used by the complainant. He further submitted that rather respondent No.4 filed a complaint under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate. He submitted that blanket bail/pre-arrest bail should be granted to the petitioners in the present case.
3. I have heard learned counsel for the petitioners.
4. The prayer which has been made in the present case is reproduced as under:-

“It is, therefore, respectfully prayed that the present petition

may kindly be allowed and grant of blanket bail/pre-arrest bail to the petitioners in any complaint or FIR registered by respondent No.4.

It is further prayed that direction be issued to official respondents to serve advance notice under Section 160 of the Code of Criminal Procedure to the petitioners, if any complaint or FIR registered against him.

And any other order or direction which this Hon'ble Court may deem fit may also be granted to the petitioners.”

5. The petitioners have not even approached the learned Sessions Court if at all it was so permissible under the law and straightway filed the present petition before this Court. Apart from the above, the only prayer of the petitioners is for grant of blanket/pre-arrest bail in any complaint or FIR registered by private respondents. A Constitution Bench of Hon'ble Supreme Court in **Gurbaksh Singh Sibbia etc. versus State of Punjab** 1980 SCC (2) 565 laid down the law pertaining to the prayer for grant of blanket/pre-arrest bail. The relevant portion is reproduced as under:-

“41. Apart from the fact that the very language of the statute compels this construction, there is an important principle involved in the insistence that facts, on the basis of which a direction under Section 438(1) is sought, must be clear and specific, not vague and general. It is only by the observance of that principle that a possible conflict between the right of an individual to his liberty and the right of the police to investigate into crimes reported to them can be avoided. A blanket order of anticipatory bail is bound to cause serious interference with both the right and the duty of the police in the matter of investigation because, regardless of what kind of offence is alleged to have been committed by the applicant and when, an order of bail which comprehends allegedly unlawful activity of any

description whatsoever, will prevent the police from arresting the applicant even if he commits, say, a murder in the presence of the public. Such an order can then become a charter of lawlessness and a weapon to stifle prompt investigation into offences which could not possibly be predicated when the order was passed. Therefore, the court which grants anticipatory bail must take care to specify the offence or offences in respect of which alone the order will be effective. The power should not be exercised in a vacuum.”

6. Another Constitution Bench of Hon'ble Supreme Court in **Sushila Aggarwal and others versus State (NCT of Delhi) and others** 2020 (5) SCC 1

has also dealt with this issue while reiterating what was held by the Hon'ble Supreme Court in **Gurbaksh Singh Sibbia's** case (supra) and observed that anticipatory bail should not be in the nature of a blanket bail. The relevant portion of the aforesaid judgment is reproduced as under:-

“92. This Court, in the light of the above discussion in the two judgments, and in the light of the answers to the reference, hereby clarifies that the following need to be kept in mind by courts, dealing with applications under Section 438, Cr.PC;

92.1. XXXXX

92.2. XXXXX

93.3. XXXXX

92.4. XXXXX

92.5. XXXXX

92.6. *An order of anticipatory bail should not be “blanket” in the sense that it should not enable the accused to commit further offences and claim relief of indefinite protection from arrest. It should be confined to the offence or incident, for which apprehension of arrest is sought, in relation to a specific incident. It cannot operate in respect of a future incident that involves commission of an offence.”*

7. The petitioners have straightway come to this Court seeking clear cut blanket bail by stating that there was a dispute with another person living in the same Society and he had used filthy and abusive language and therefore blanket bail should be granted to them **in any complaint/FIR against them** by private respondents. This Court is of the view that the present petition is not only not maintainable but is also an abuse of process of law apart from being contrary to the law laid down by the two Constitution Benches of the Hon'ble Supreme Court as aforesaid. Consequently, the present petition is dismissed with costs of Rs.15,000/- (Fifteen thousand) which will be shared equally by all the three petitioners. The costs shall be deposited within a period of four months from today before the CJM, SAS Nagar (Mohali) who would thereon transfer the costs to the Punjab Legal Services Authority. In case the cost is not deposited within the aforesaid period then the same shall be recovered from the petitioners as arrears of land revenue in accordance with law.

8. To be listed on 08.12.2023 for compliance.

(JASGURPREET SINGH PURI)
JUDGE

July 31, 2023

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Whether speaking

: Yes/No

Whether reportable

: Yes/No