



CRM-M-37107-2024

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

CRM-M-37107-2024

Date of Decision: 02.08.2024

Japinder Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Kuljinder Bir Kaur, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of blanket anticipatory bail regarding any case which may be registered against the petitioner or in alternative a direction to respondent Nos.2 and 3 to serve at least 7 days prior notice to the petitioner before causing his arrest if any case is likely to be registered against the petitioner.

2. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Sri Muktsar Sahib, however, after hearing both the sides, learned Court declined the same vide its order dated 10.07.2024. Hence, the petitioner has approached this Court praying for grant of blanket anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that respondent No.4 has filed a false complaint against the petitioner which is being enquired into by respondent No.3. She submits that the dispute is of civil nature and respondent No.3 in connivance with respondent No.4, is unnecessarily calling the petitioner to his office and threatening him. She submits that learned Additional Sessions Judge, has illegally declined the



prayer of the petitioner for blanket anticipatory bail. She further submits that in the facts and circumstances of the present case, the petitioner deserves to be granted blanket anticipatory bail or in alternative direction be issued to respondents No.2 and 3 to serve at least 7 days prior notice to the petitioner before apprehending him.

4. Learned State counsel has apprised the Court that as on date there is no case registered against the petitioner and the present petition is liable to be dismissed as the petitioner is not entitled to any relief.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that at present there is no FIR/complaint lodged against the petitioner. Apprehension of the petitioner is that he can be arrested by the Police as respondent No.4 had already filed a complaint against the petitioner. Neither the petitioner has given details of the complaint allegedly filed by respondent No.4 nor has mentioned the relevant Sections under which the alleged complaint has been filed. As stated by learned State counsel on instructions that as on date, no case has been registered against the petitioner, so apprehension of the petitioner regarding his arrest in some case is baseless.

6. It is well settled that the apprehension of arrest by the petitioner must be a genuine apprehension and there must be something tangible to go by on the basis of which it can be said that the petitioner's apprehension of arrest is genuine. Blanket order of anticipatory bail is bound to cause serious interference with the right and duty of the Police in the matter of investigation. Therefore, the Court which grants pre-arrest bail must take care to specify offence or offences in respect of which relief is being



granted.

7. Coming to the present case, the petitioner has not specified the offences for which, he is seeking blanket bail. Hon'ble Supreme Court in **Gurbaksh Singh Sibbia etc. vs. The State of Punjab, 1980 AIR Supreme Court 1632**, has held as under:-

“36. We have said that there is one proposition formulated by the High Court with which we are inclined to agree. That is proposition No. (2). We agree that a 'blanket order' of anticipatory bail should not generally be passed. This flows from the very language of the section which, as discussed above, requires the applicant to show that he has "reason to believe" that he may be arrested. A belief can be said to be founded on reasonable grounds only if there is something tangible to go by on the basis of which it can be said that the applicant's apprehension that he may be arrested is genuine. That is why, normally, a direction should not issue under Section 438(1) to the effect that the applicant shall be released on bail "whenever arrested for whichever offence whatsoever." That is what is meant by a 'blanket order' of anticipatory bail, an order which serves as a blanket to cover or protect any and every kind of allegedly unlawful activity, in fact any eventuality, likely or unlikely regarding which, no concrete information can possibly be had. The rationale of a direction under Section 438(1) is the belief of the applicant founded on reasonable grounds that he may be arrested for a non-bailable offence. It is unrealistic to expect the applicant to draw up his application with the meticulousness of a pleading in a civil case and such is not requirement of the section. But specific events and facts must be disclosed by the applicant in order to enable the court to judge of the reasonableness of his belief, the existence of which is the sine qua non of the exercise of power



conferred by the section.”

7. Hon’ble Supreme Court in Sushila Aggarwal and others vs. State (NCT of Delhi) and another, Law Finder Doc Id # 1674499 while relying upon in its earlier decision in Gurbaksh Singh Sibbia’s case (supra) has held as under:-

“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.”

8. In view of the above discussions, this Court does not find any merit in the contentions raised by counsel for the petitioner for granting blanket anticipatory bail to the petitioner, hence, finding no merit in the present petition, the same is dismissed.

9. However, the petitioner is at liberty to avail his remedy in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

02.08.2024
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No