



CRM-M-13953-2025

ITEM NO.102-2

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

CRM-M-13953-2025 (O&M)

Date of decision : 18.03.2025

Lalit Chhabra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dhruv Gupta, Advocate, for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab

Mr. G.S. Madaan, Advocate for the complainant.

-

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS),2023 for seeking pre-arrest bail in complaint No. 528486 dated 13.02.2025, filed before Superintendent of Police (City), District Bathinda against the petitioner.

2. Learned counsel contends that although no FIR has been registered against the petitioner till date, but having an apprehension that he would be falsely implicated in some criminal case and would be arrested; prayed for pre arrest bail.

3. *Per contra* learned State counsel has opposed the prayer on the premise that petitioner is seeking blanket bail and such, petition is liable to be dismissed being not maintainable.

4. Learned counsel for the complainant has also opposed the prayer on the similar lines to that of learned State counsel.



CRM-M-13953-2025

5. Heard learned counsel for both sides and perused the paper book.

6. Hon'ble the Supreme Court in

Gurbaksh Singh Sibbia vs. State of Punjab, (1980) 2 SCC 565,

discussed the scope of Section 438 of Code of Criminal Procedure and para 40 being relevant, is recapitulated as under:-

“40. We have said that there is one proposition formulated by the High Court with which we are inclined to agree. That is proposition.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 relief, the existence of which is the sine qua non of the exercise of power conferred by the section.”

Moreover, Hon'ble the Supreme Court in **Sushila Aggarwal and others vs. State (NCT of Delhi) and another (2020) 5 SCC (1)** also laid down guidelines in respect of



CRM-M-13953-2025

“blanket order” and relevant portions thereof are extracted here as under:-

“42 The decisions in Savitri Aggarwal vs. State of Maharashtra, and Sibbia were referred to, to argue that before granting an order of anticipatory bail, the court should be satisfied that the applicant seeking it has reason to believe that he is likely to be arrested for a non-bailable offence and that belief must be founded on reasonable grounds. Mere “fear” is not belief; it is insufficient for an applicant to show that he has some sort of vague apprehension that someone is going to accuse him, for committing an offence pursuant to which he may be arrested. An applicant’s grounds on which he believes he may be arrested for a non-bailable offence, must be capable of examination by the court objectively. Specific events and facts should be disclosed 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. It was pointed out that the provisions of Section 438 cannot be invoked after the arrest of the accused. After arrest, the accused must seek his remedy under Section 437 or Section 439 of the Code, if he wants to be released on bail in respect of the offence or offences for which he is arrested. The following passages in Savitri Aggarwal were relied upon: (SCC pp. 333-35, para 24)

“24. While cautioning against imposition of unnecessary restrictions on the scope of the section, because, in its opinion, overgenerous infusion of constraints and conditions, which were not to be found in Section 438 of the Code, could make the provision constitutionally vulnerable, since the right of personal freedom, as enshrined in Article 21 of the Constitution, cannot be made to depend on compliance with



CRM-M-13953-2025

unreasonable restrictions, the Constitution Bench laid down the following guidelines, which the courts are required to keep in mind while dealing with an application for grant of anticipatory bail:

X X X X X

- (iv) No blanket order of bail should be passed and the court which grants anticipatory bail must take care to specify the offence or the offences in respect of which alone the order will be effective. While granting relief under Section 438(1) of the Code, appropriate conditions can be imposed under Section 438(2) so as to ensure an uninterrupted investigation. One such condition can even be that in the event of the police making out a case of a likely discovery under [Section 27](#) of the Evidence Act, the person released on bail shall be liable to be taken in police custody for facilitating the recovery. Otherwise, such an order can 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.

X X X X X

- (ix) Though it is not necessary that the operation of an order passed under Section 438(1) of the Code be limited in point of time but the court may, if there are reasons for doing so, limit the operation of the order to a short period until after the filing of FIR in respect of the matter covered by the order. The applicant may, in such cases, be directed to obtain an order of bail under Section 437 or 439 of the Code within a reasonable short period after the filing of the FIR.”

A bare perusal of the above extract(s) reveals that blanket anticipatory bail cannot be granted in respect of a future incident.



CRM-M-13953-2025

7. Concededly, till date, no FIR has been lodged against the petitioner, therefore, apprehension of arrest is completely misplaced.

8. In view of the above, no ground is made out to grant pre arrest bail to the petitioner at this stage. Hence, there is no option, but to dismiss the petition.

9. Ordered accordingly.

10. Needless to say that in case an occasion so arises, petitioner would be at liberty to avail the remedy of pre arrest bail as per law.

11. The above observation be not construed any expression of opinion on merits of the case.

Pending application(s), if any, shall also stand disposed off.

18.03.2025
dinesh

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes
Yes