



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

268

CRM-M-8391-2026 (O&M)
Date of decision: 13.05.2026

HARJASHAN DHILLON @ JASHANPREET SINGH @ JASHAN
.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Deepinder Brar, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Section 528 of the BNSS, 2023 is for seeking appropriate directions to respondent Nos. 2 to 6 to serve a prior notice of at least 07 days upon the petitioner before registration of any FIR.

2. Learned counsel for the petitioner contends that petitioner's father was an elected MLA from Punjab. During the time of floods in the State of Punjab, his father had made certain statements on news channels attributing the floods to alleged administrative lapses on the part of the Government and naming a senior IAS officer. Owing to the said statement the Government with a vindictive attitude initiated a chain of false and fabricated criminal proceedings against the petitioner's father and registered multiple false FIRs. The petitioner was later nominated in FIR No. 174 dated 03.09.2025 without any evidence and the petitioner was



granted anticipatory bail in the said FIR. However, the petitioner has a genuine and well founded apprehension that the police officials acting under political pressure may falsely implicate him in more false cases, subject him to illegal detention or resort to coercive measures in order to harass and humiliate him. Hence, he prays that the present petition be allowed and the petitioner be given at lease 07 days notice before registration of any FIR against him.

3. Notice of motion.

4. Learned State counsel, who has appeared on advance notice of the petition, opposes the prayer of the petitioner on the ground that the present petition is nothing but a mere abuse of process of Court. He further submits that issuing direction to the investigating agency to issue 07 days prior notice to accused only upon his mere apprehension that he might be arrested would obstruct the statutory powers of investigating agency. Learned State counsel has argued that no benefit can be extended to the petitioner and in support of his contentions, he has relied upon decision of the Hon'ble Supreme Court in ***Union of India Vs. Padam Narain Aggarwal and others'*, (2008) 13 SCC 305.**

5. Heard.

6. In the present case, the petitioner is praying for 07 days prior notice to be issued before effecting any arrest or taking any coercive action against him, so as to enable him to avail legal remedies. Law is well settled in this regard and the Hon'ble Supreme Court in ***'Union of India Vs. Padam Narain Aggarwal and others'*, (2008) 13 SCC 305;** has

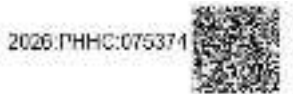


held that no direction giving prior notice to the petitioner/accused before affecting an arrest can be issued. It has been further held that issuing such directions would tantamount to obstructing and curtailing the authority of the investigating agency. Observations in this regard are as follows:-

“63. In the case on hand, the respondents were only summoned under Section [108](#) of the Act for recording of their statements. The High Court was conscious and mindful of that fact. It, therefore, held that applications for anticipatory bail, in the circumstances, were pre-mature. They were, accordingly, disposed of by directing the respondents to appear before the Custom Authorities. The Court, however, did not stop there. It stated that even if the Custom Authorities find any non-bailable offence against the applicants (respondents herein), they shall not be arrested "without ten days prior notice to them.

64. In our judgment, on the facts and in the circumstances of the present case, neither of the above directions can be said to be legal, valid or in consonance with law. Firstly, the order passed by the High Court is a blanket one as held by the Constitution Bench of this Court in Gurbaksh Singh and seeks to grant protection to respondents in respect of any non-bailable offence. Secondly, it illegally obstructs, interferes and curtails the authority of Custom Officers from exercising statutory power of arrest a person said to have committed a non-bailable offence by imposing a condition of giving ten days prior notice, a condition not warranted by law. The order passed by the High Court to the extent of directions issued to the Custom Authorities is, therefore, liable to be set aside and is hereby set aside.”

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7. Accordingly, in the facts and circumstances of the present case, directing the respondent-State to serve 07 days prior notice before arrest would amount to granting petitioner a blanket protection from arrest, which is contrary to the law laid down by the Hon’ble Supreme Court as discussed above. Thus, the present petition being devoid of merits is hereby dismissed.

13.05.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |