



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

Sr.No. 107

**CRM-M-22228-2026
Decided on : 23.04.2026**

Vijay Kumar Sethi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Ms. Swati Verma, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 read with Section 528 of the BNSS, 2023 is for grant of blanket bail to the petitioner on apprehension of registration of an FIR or to issue 07 days advance notice to petitioner before registration of FIR.

2. Learned counsel for the petitioner contends that that the petitioner apprehends arrest on the basis of false and motivated complaints likely to be converted into FIRs by the police. He further contends that there was some civil dispute regarding money with one Neeraj Garg who in connivance with the local police is moving false complaints against the petitioner and is trying to give criminal colour to a civil dispute. Learned counsel contends that the police are hand in glove with the said Neeraj Garg

and the DSO (P.B.I.) CAW & C, Sri Muktsar Sahib has sent a notice to the



petitioner to join investigation. He further contends that if he goes to the office of DSP, he will be arrested. It is submitted that custodial interrogation of the petitioner is not required. The petitioner further undertakes to join the investigation and abide by any conditions that may be imposed by this Hon'ble Court while granting bail.

3. Notice of motion.

4. On asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab, accepts notice on behalf of respondent-State. He opposes the prayer for grant of blanket bail on the ground that the present petition is nothing but a mere abuse of process of Court. He further submits that granting blanket bail or issuing direction to the investigating agency to issue 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 grant of blanket bail or a seven days prior notice to be issued before effecting any arrest or taking any coercive action, so as to enable him to avail legal remedies. Law is well settled as to whether blanket bail can be granted merely on apprehension of implication in a criminal case. 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.”

7. Further, the Hon’ble Supreme Court in **‘Union of India Vs. Padam Narain Aggarwal and others’, (2008) 13 SCC 305**; has held that no direction to give prior notice to the petitioner before arresting 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."

8. More recently, a 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 relying upon decision of 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.”*

9. Accordingly, in the facts and circumstances of the present case, directing the respondent-State to serve seven days prior notice before arrest would virtually amount to granting 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.

23.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No