

**IN THE COURT OF SHRI K. K. JAIN, ADDITIONAL
SESSIONS JUDGE, LUDHIANA.**

CNR PBLD010164912019

CIS No.BA/2968/19

Decided on :25.04.2019

Inderjot Singh, aged 23 years son of S. Gurcharan Singh
resident of 262-B, Khera Road, Phagwara Distt. Kapurthala.

.....Petitioner.

Versus

The State of Punjab

.....Respondent.

FIR No. Not Known dated 10.04.2019

U/s : 406, 498-A, 506 IPC & other
bailable offence

PS : Women, Ludhiana.

Bail Application Under Section 438 Cr.P.C.

Present : Ms. Pooja Singal, Ld. Addl. PP for the State.
Sh.G.S.Bal, Adv, Counsel for applicants/accused.

ORDER

Heard on the bail application filed on behalf of the applicant/ accused u/s 438 Cr.P.C for bail, whereby it is submitted by the Ld. Counsel for the applicant that the applicant has not committed any offence as alleged by the complainant before the Marriage Dispute Cell, Ludhiana. It is further submitted that after the marriage, he was disinherited by his parents from their all movable and immovable properties by publishing notice in Daily Ajit Samachar dated 12.02.2018. The said Mandeep Kaur has filed false application which is being framed in the form of FIR by the police Station Women, Ludhiana. Accordingly, prayer is made for allowing the present bail application and releasing the accused on bail.

2. Upon notice Ld. Addl. PP for the State put in appearance on behalf of the State and although reply to the bail application is not intended to be filed by the State but the said petition is hotly contested by the Ld. Addl. PP for the State and the contention of Ld. Addl. PP for the State is that specific allegations are there against the accused and investigation in the present case is still pending and as such Concession of anticipatory bail should not be granted to the accused as it may hamper the investigation. Accordingly, request is made for dismissal of the present bail application. In the present case report from PS Women cell, Ludhiana was received on 24.4.2019, whereby it has been reported that one Mandeep Kaur w/o Inderjot Singh has moved a complaint against her husband and her in-law's family, but no FIR has been registered on the basis of the said complaint till date.

3. After considered the rival contentions of the ld. Defense counsel and ld. AAP for the State and after going through the file carefully, I am convinced with the submissions of Ld. APP for the State, for the reasons to be recorded hereinafter.

4. From perusal of the file, it transpires that the applicant has filed present petition for blanket bail on ground that he has apprehension that he may be arrested as Mandeep Kaur has moved a false complaint against him and on notice report from PS Women cell, Ludhiana was received on 24.4.2019, whereby it has been reported that one Mandeep Kaur w/o Inderjot Singh has moved a complaint against her husband and her in-law's family, but no FIR has been registered on

the basis of the said complaint till date and the aforesaid matter is being proceeded further for reconciliation etc. From the aforesaid facts of the case, it is clear that due process has been adopted by the complainant in the present case and serious allegations have been leveled by the complainant and at this stage, at the mere asking of the applicant, his version that he is innocent, can't be treated as gospel truth and it is also settled proposition of law that a blanket order of bail should not be generally passed as it would serve as a blanket cover to protect any and every kind of unlawful activity. In this regard reliance can be placed upon the law laid down by the Hon'ble Supreme Court in Union of India v. Padam Narain Aggarwal , (SC) 2008(4) R.C.R.(Criminal) 665 wherein the Hon'ble Supreme Court has held as under:-

“Blanket order of bail - A person summoned by Custom Officer - High Court directed that person should not be arrested for 10 days if Custom Officer found that some non-bailable offence was committed by him, Order illegal and set aside - It is blanket order of bail and granted protection in respect of any non-bailable offence.

A. Custom Act, 1962, Section 108 - Criminal Procedure Code, Section 438 - Blanket anticipatory bail - Custom Officer summoning a person under Section 108 of Customs Act in connection with an enquiry - The person applying for anticipatory bail - High Court rejected the bail application holding that it was premature - High Court, however, directed that if the Custom Authorities find any non - bailable offence against the person, he shall not be arrested without ten days prior notice - Order of High Court set aside - Held:-

(1) Order passed by High Court was a blanket order and seeks to grant protection to the person in respect of any non - bailable offence .

(2) The order 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.”

5. In the present case, it is clear that due process has been adopted by the complainant and at this stage, when the investigating agency is investigating the matter, a blanket order of bail can't be granted in favour of the applicant.

6. Hence keeping in view all the facts of the present case, this court is of opinion that the applicant is not entitled to any blanket order of bail in the present case. Hence, the present bail application is hereby dismissed. File/Papers be consigned to the record room after due compliance.

**Pronounced in the open court:
Dt. 25.04.2019**

**(K.K.Jain)(UIDPB0163)
Addl. Sessions Judge
Ludhiana.**