

Gurjinder Singh Vs. State of Punjab

CNR No.PBLD01-008597-2019

BA/1159/2019

Present : Sh.R.S.Mand, Adv for applicant.
Sh.Dinesh Kumar, Addl.PP for the State.

Heard on the anticipatory bail application filed by applicant under section 438 Cr.PC. It has been submitted on behalf of applicant that he is quite innocent but police wants to implicate him in a false and frivolous case. Nothing is to be recovered from the applicant. He is still ready to join the investigation as and when required by the police. He may be granted anticipatory bail.

The above submissions have been opposed by learned Addl. PP for the state on the ground that applicant has no reason to believe that he is likely to be arrested as no case has been registered so far against him. Mere pendency of enquiry in the complaint does not give rise to any apprehension in his mind that he might be arrested in a false case. His application is premature which deserves to be dismissed.

Above submissions and contentions of the parties have been considered and examined on the matter in the light of submitted facts. It has been reported by the concerned police station that complaint against complaint No.1366452 dated 25.6.2018 is pending against the applicant. The report thus shows that no case has so far been registered. No doubt that pendency of complaint for the enquiry did not give rise to a reasonable apprehension in his mind that he is likely to be arrested for a non-cognizable offence. His application for anticipatory bail u/s 438 Cr.P.C is thus premature one that

deserves to be dismissed in view of that. It is also equally settled that granting of relief of anticipatory bail is a discretionary relief of an extraordinary nature. While dealing with such matters it is needed that a balance between individual liberty and societal order is maintained. As was recently observed by Hon'ble Apex Court in Arnesh Kumar's case while expressing its feelings that they believed that no arrest should be made only because the offence is non bailable and non-cognizable and therefore, lawful for the police officers to do so. Thus keeping in view all that, the present application for anticipatory bail of the applicant is ordered to be dismissed being a premature one with this direction however that applicant shall be put to three days prior notice in case he is required to be arrested. Above directions shall remain valid for three months only. File/papers be consigned to the record room.

Announced :

Date of Order: 15.2.2019

Steno: Anita

Arunvir Vashista/ASJ/LDH

UID: PB0050