IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

152 **CRM-M-63195 of 2025**
Date of Decision: 10.11.2025

Kanchanpreet Kaur **....Petitioner**

Versus

State of Punjab and others **....Respondents**

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Ashok Aggarwal, Sr. Advocate with
Mr. Arshdeep Singh Kler, Advocate and
Mr. Jaspreet Singh Brar, Advocate and
Mr. Paramvir Singh, Advocate and
Mr. Ravinder Singh Sampla, Advocate
for the petitioner.

Mr. Jastej Singh, Addl. A.G., 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 anticipatory/blanket bail to the petitioner on apprehension of registration of an FIR in non-bailable offences due to political reasons as mother of the petitioner i.e. Smt. Sukhwinder Kaur Randhawa is contesting bye-elections to be held on 11.11.2025 in the constituency of Tarn Taran.

2. Learned senior counsel for the petitioner contends that the petitioner is a young woman of 32 years and is residing with her family in District Tarn Taran. She is daughter of Smt. Sukhwinder Kaur Randhawa, a respected community leader and duly nominated candidate of the Shiromani

::: Downloaded on - 10-11-2025 23:36:05 :::

Akali Dal (SAD) for the Tarn Taran Assembly bye-elections scheduled for 11.11.2025. The petitioner apprehends that to cripple her mother's campaign, canvassing and to instill fear amongst voters, false and fabricated FIR might be registered against her and she faces imminent threat of illegal detention. The official respondents No.3 and 4 are raiding the house of the petitioner. He further prayed that the concession of anticipatory/blanket bail be granted to the petitioner or in the alternate, in the event of registration of FIR or initiation of any criminal proceedings against the petitioner, particularly in view of ongoing political vendetta and the imminent bye-election in District Tarn Taran where petitioner's family member (mother) is active opposition leader, the investigating agency may be directed to afford the petitioner a minimum of seven days prior notice before effecting any arrest or taking any coercive action, so as to enable her to avail legal remedies. To butress his arguments, learned senior counsel has relied upon a decision of the Co-ordinate Bench of this Court passed in CRM-M-54802-2021 titled ***Lavpreet Singh @ Lavepreet Singh and another Vs. State of Punjab and others***'.

3. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of blanket/anticipatory bail on the ground that the present petition is nothing but a mere abuse of process of Court and is filed in order to take undue advantage in the election that is scheduled for tomorrow. He further submitted that by filing the present petition one day before the date of polling, the petitioner wants to sway the elections by creating a publicity and merely intends to take political mileage out of it. Further, the petitioner's apprehension that she would not be able to

::: Downloaded on - 10-11-2025 23:36:05 :::

do canvassing for the votes is vague, as the same has already come to an end and is impermissible in terms of orders of the Election Commission as the election is scheduled for tomorrow. He further submitted that granting blanket bail or issuing direction to the investigating agency to issue prior notice to accused only upon her mere apprehension that she 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 by relying upon the authority in ***Lavpreet Singh @ Lavepreet Singh (supra)*** as the law is well settled by the Hon'ble Supreme Court. 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.*** Learned State counsel has further argued that the petitioner is the wife of one Ampritpal Singh Baath who is a dreaded gangster against whom number of FIRs stand registered and is currently residing in Canada and the identity of the husband of the petitioner is concealed as in the memo of parties, the petitioner is mentioned as daughter of Sukhwinder Kaur Randhawa and not wife of Amritpal Singh Baath.

4. Heard.

5. In the present case, the petitioner is praying for grant of blanket/pre-arrest bail or a seven days prior notice to be issued before effecting any arrest or taking any coercive action, so as to enable her to avail legal remedies.

6. 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***

::: Downloaded on - 10-11-2025 23:36:05 :::

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

::: Downloaded on - 10-11-2025 23:36:05 :::

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

::: Downloaded on - 10-11-2025 23:36:05 :::

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 to serve seven days prior notice before arrest would virtually amount to granting a blanket protection from arrest in guise of anticipatory bail 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.

(RUPINDERJIT CHAHAL)
JUDGE

10.11.2025
D.Bansal

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

::: Downloaded on - 10-11-2025 23:36:05 :::