

[2009] 9 S.C.R. 821

SUKHWANT SINGH & ORS.

v.

STATE OF PUNJAB

(SLP(Crl.) No. 3529 of 2009)

MAY 18, 2009

[MARKANDEY KATJU AND DEEPAK VERMA, JJ.]

Code of Criminal Procedure, 1973:

s. 438 – Anticipatory bail – HELD: Order of High Court rejecting application for anticipatory needs no interference – However, in the power to grant bail there is inherent power in the court concerned to grant bail to a person pending final disposal of the bail application – Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there – In the instant case, if the petitioners surrender before the court concerned and make a prayer for grant of interim bail pending final disposal of bail application, the same shall be considered and decided on the same day – Interim bail.

Kamlendra Pratap Singh vs. State of U.P. & Ors. 2009(4) SCALE 77, relied on.

Constitution of India, 1950:

Article 21 – Protection of life and personal liberty – Held: Reputation of a person is his valuable asset, and is a facet of his right under Article 21- This gains significance while considering an application for grant of bail – Bail – Interim bail.

Deepak Bajaj vs. State of Maharashtra JT 2008(11) SC 609, relied on.

A Case Law Reference:

2009(4) SCALE 77 relied on Para 3

JT 2008(11) SC 609 relied on Para 3

**B CRIMINAL APPELLATE JURISDICTION : SLP (Criminal)
No. 3529 of 2009.**

From the Judgment & Order dated 24.03.2009 of the High Court of Punjab & Haryana at Chandigarh in Criminal Misc. No. M-26413 of 2008.

**C Gautam Godara and Ravindra Keshavrao Adsure for the
Petitioner.**

The Order of the Court was delivered

D ORDER

1. Heard learned counsel for the petitioners.

E 2. This petition has been filed challenging the judgment and order dated 24.03.2009 of a learned Single Judge of the High Court of Punjab & Haryana at Chandigarh whereby the Application under Section 438 of the Cr.P.C. for grant of anticipatory bail has been dismissed.

F 3. We are not inclined to interfere with the impugned judgment and order. However, following the decision of this Court in the case of *Kamlendra Pratap Singh Vs. State of U.P. & Ors.* 2009 (4) SCALE, 77, we reiterate that a Court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail application.
G In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person. When a person applies for regular bail then the court concerned ordinarily lists that application after a few days so that it can look into the case diary which has to be obtained
H from the police authorities and in the meantime the applicant

has to go to jail. Even if the applicant is released on bail thereafter, his reputation may be tarnished irreparably in society. The reputation of a person is his valuable asset, and is a facet of his right under Article 21 of the Constitution vide *Deepak Bajaj Vs. State of Maharashtra & Anr.* JT 2008 (11) SC 609. A

4. Hence, we are of the opinion that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application. Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there. B C

5. In the present case, if the petitioners surrender before the Court concerned and makes a prayer for grant of interim bail pending final disposal of the bail application, the same shall be considered and decided on the same day. D

6. With the abovesaid observations, the petition stands disposed of.

R.P.

Appeal disposed of.