

SUPREME COURT OF INDIA

Sukhwant Singh

Vs.

State of Punjab

(Markandey Katju and Deepak Verma JJ.)

18.05.2009

ORDER

1. Heard learned counsel for the petitioners.

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.

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.*¹ 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. 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 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.*².

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. 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.

With the abovesaid observations, the petition stands disposed of.

¹2009 (4) SCALE 77

²JT 2008 (11) SC 609