

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

102

CRM-M No.60002 of 2023  
Date of decision: 01.12.2023

Rupan Singh Chawla

... Petitioner

Vs.

State of Punjab and another

... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. R.S. Rai, Sr. Advocate with  
Mr. Jatin Sehgal, Advocate,  
Mr. R.D. Gupta, Advocate,  
Mr. Adhirath Singh, Advocate,  
for the petitioner.

Ms. Himani Arora, AAG, Punjab,  
for the respondent-State.

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**MANISHA BATRA, J.**

1. Today, Ms. Himani Arora, AAG, Punjab has stated that the Investigating Officer of the case namely, Inspector Jyoti has been duly informed about the pendency of the present petition and about passing of the order dated 30.11.2023 by this Court and has shown reluctance to appear either today or on any other adjourned date of hearing. As such, this Court proceeds to hear learned counsel for the petitioner who has argued that the petitioner has been falsely implicated in this case. No case for commission of offence of rape has been made out against the petitioner. Even otherwise, he wants to go to Mumbai and apply for regular anticipatory bail before the competent Court and deserves to be granted relief of transit anticipatory bail. Hence, it is argued that the

petition deserves to be allowed.

2. I have heard learned counsel for the petitioner at considerable length and have gone through the material placed on record.

3. The petitioner has admittedly been booked for commission of offences punishable under Sections 376, 420, 504 and 506 (2) of IPC at Police Station Santacruz, Mumbai. He is seeking transit anticipatory bail for the purpose of approaching the concerned Court at Mumbai for seeking relief of bail. The Hon'ble Supreme Court in **Priya Indoria v. State of Karnataka and others**, arising out of SLP (Crl.) Nos.11423-11426 of 2023) (arising out of Diary No.7943 of 2023) decided on 20.11.2023 (which has been relied upon by learned counsel for the petitioner) has observed that the High Court or Court of Session can grant limited anticipatory bail in the form of an interim protection under Section 438 of Cr.P.C. with respect to FIR registered outside the territorial jurisdiction of the said Court subject to certain conditions. One of the conditions for grant of this relief is that the applicant must satisfy the Court regarding his inability to seek anticipatory bail from the Court which has the territorial jurisdiction to take cognizance of the offence on the ground that there is a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR is registered; the apprehension of violation of right to liberty or impediments owing to arbitrariness; and the medical status/disability of the person seeking extra territorial limited anticipatory bail.

4. The petitioner is in this case is a resident of Mohali and has

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been booked in a case registered within the jurisdiction of Police Station, Santacruz, Mumbai. He has a reasonable apprehension of his being apprehended and arrested by the police in the above mentioned FIR. The grant of transit anticipatory bail is in the form of an interim protection of limited jurisdiction till he approaches the competent Court either Sessions or the High Court for seeking regular anticipatory bail. It is a question to be considered as to whether the present one is a case of consent or rape as alleged by the complainant/prosecutrix. In the peculiar circumstances of the case, this Court is of the considered opinion that the protection of transit anticipatory bail can certainly be granted to the petitioner till the time, he approaches the jurisdictional Court for grant of full-fledged anticipatory bail.

5. Keeping in view the facts and circumstances of the case, the petitioner is granted transit anticipatory bail for a period of two weeks starting from today so that he can appear before the Court concerned at Mumbai and seek appropriate remedy there. During this period, in the event of his arrest, he shall be released on bail on his furnishing bond to the satisfaction of the Arresting Officer, for his appearance before the Court. The said bonds shall be sent to the concerned Court.

01.12.2023  
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(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No