



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-73488 -2025
Decided on 24.12.2025**

Rupesh Singh Yadav

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. A.P. Kaushal, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.(Oral)

1. Petitioner – Rupesh Singh Yadav, has filed instant petition under Section 482 of BNSS, 2023, for grant of Transit Anticipatory bail, in case FIR No.26, dated 04.10.2025, under Section 318(4), 3(5) of BNS, registered at Police Station Diu, District Diu, for a period of four weeks

2. Learned counsel for the petitioner submits that although petitioner is not an accused in any criminal case registered in the States of Punjab, Haryana and Union Territory, Chandigarh, i.e., area falling under the jurisdiction of this Court, yet on account of his being nominated as an accused in FIR registered at Police Station Diu, instant petition for *Transit Anticipatory Bail* has been filed, stating that presently he is residing in District Ludhiana (Punjab), of which address also stands mentioned in the petition.

3. Learned counsel for the petitioner further submits that on a complaint filed by Hiteshri Kantilal Kamalia, alleging cheating, fraud, and misappropriation of money, FIR in question was registered against him at Police Station Diu.



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Learned counsel for the petitioner also submits that the petitioner has been served notice under Section 35(3) BNSS (formerly Section 41-A Cr.P.C.) on 11.12.2025 in Ludhiana and apprehends arrest upon reaching Diu. Therefore, he seeks temporary relief in the form of transit bail to enable him to travel safely to Diu.

Counsel also submits that petitioner is innocent and has been falsely implicated in the present case. He had no involvement in the alleged cheating or fraud, nor has he received any money from the complainant. The allegations in the FIR are entirely concocted and baseless.

Counsel further submits that FIR has been registered in Diu, which falls outside the territorial jurisdiction of Ludhiana. Petitioner requires transit bail solely to reach Diu and either join the investigation or approach the court having competent territorial jurisdiction. Moreover, petitioner has voluntarily received notice under Section 35(3) BNSS and is willing to co-operate fully with the investigation. He undertakes to report to the authorities whenever required and to comply with any conditions imposed by the Court. Therefore, prays for grant of temporary relief in the form of transit bail .

4. On hearing learned counsel for the petitioner, this Court observes that the dispute arising out of the FIR registered at Police Station Diu, District Diu, does not fall within the territorial jurisdiction of this Court. Therefore, it would not be appropriate to delve into the factual matrix of the case or to express any opinion thereupon. However, petitioner's counsel submits that if, petitioner is granted the concession of Transit Anticipatory Bail, so as to enable him to approach the Court of competent



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jurisdiction for seeking pre-arrest bail, he is ready to abide by all terms and conditions, as may be imposed by this Court.

In support of his submissions, learned counsel has placed reliance upon two judgments of this Court, namely; (i) **Devender Kumar v. State of Haryana and another**, 2024 NCPHHC 129001 : Law Finder Doc Id # 2653493, and (ii) **Naveen Kumar v. State of Haryana and others**, 2025 NCPHHC 36961 : Law Finder Doc Id # 2706827, to contend that this Court has ample power under Section 482 BNSS, 2023, to grant limited protection by way of Transit Anticipatory Bail, in order to enable the petitioner to avail appropriate remedy before the competent Court.

5. On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, appears and submits that no emergent situation has been shown for entertaining the present petition, and the prayer is beyond the territorial purview. However, he does not dispute the extraordinary inherent power of this Court under Section 482 BNSS, 2023.

6. This Court has considered the rival submissions addressed by learned counsel for both sides.

7. For reference, paragraph Nos. 8, 9 and 10 of **Devender Kumar's case** (*supra*), are reproduced here-under:-

“8. Grant of anticipatory bail to an accused, who apprehends his arrest, is provided under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS), which reads as under

“482. Direction for grant of bail to person apprehending arrest.

(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions



in such directions in the light of the facts of the particular case, as it may think fit, including-(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;(iii) a condition that the person shall not leave India without the previous permission of the Court;(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).

(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.”

9. *A perusal of the aforesaid provisions would indicate that neither the term ‘anticipatory bail’ has been used therein nor the term ‘transit bail’ is used therein or in any other section. It goes without saying that the person, against whom FIR is lodged, would be required to approach either the District Court within whose jurisdiction the police station, where the FIR is lodged, is situated or the Hon’ble High Court of the State within which such district is situated.*

10. *However, there would be certain cases where a person is a resident of a particular State, but the FIR is lodged against him in a different State, which some times may even be far away. While the police would be able to arrest a person who reside in another State having resort to appropriate course under Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS) by taking warrants and by informing the local police, the accused, under such circumstances, cannot be left remediless. The petitioner is a resident of State of Haryana as is also evident from his Aadhar Card, wherein his address has been mentioned as under:*

“Devender Kumar son of Rejender Singh, Karora, P.O. Karora, District Kaithal, Haryana – 136043.””

8. Apart this, there is another judgment, i.e., **2024 (4) SCC 749**, titled as, **“Priya Indoria v. State of Karnataka and others”**, rendered by Hon’ble Apex Court, was discussed in **Devender Kumar’s case** (*supra*). The relevant paragraphs of which, i.e., paragraphs No.44 & 45, are also reproduced here-under for reference:-

“44. Further, on a reading of section 438 of CrPC, 1973 we do not



find that the expression "the High Court" or "the Court of Session" is restricted vis-a-vis the local limits or any particular territorial jurisdiction. However, this does not mean that if an FIR is lodged in one State then the accused can approach the Court in another State for seeking anticipatory bail. He can do so, if at the time of lodging of the FIR in any State, he is residing or is present there for a legitimate purpose in any other State. In fact, on a reading of section 438 of CrPC, 1973 it does not emerge that the expression "the High Court" or "the Court of Session" must have reference only to the place or territorial jurisdiction within which the FIR is lodged. If that was the implication, the same would have been expressly evident in the Section itself or by a necessary implication. Further use of the word "the" before the words "High Court" and "Court of Session" also does not mean that only the High Court or the Court of Session, as the case may be, within whose jurisdiction the FIR is filed, is competent to exercise jurisdiction for the grant of transit anticipatory bail.

45. *At the same time, we are also mindful of the fact that the accused cannot seek full-fledged anticipatory bail in a State where he is a resident when the FIR has been registered in a different State. However, in view of what we have discussed above, he would be entitled to seek a transit anticipatory bail from the Court of Session or High Court in the State where he is a resident which necessarily has to be of a limited duration so as to seek regular anticipatory bail from the Court of competent jurisdiction. The need for such a provision is to secure the liberty of the individual concerned. Since anticipatory bail as well as transit anticipatory bail are intrinsically linked to personal liberty under Article 21 of the Constitution of India and since we have extended the concept of access to justice to such a situation and bearing in mind Article 14 thereof it would be necessary to give a constitutional imprimatur to the evolving provision of transit anticipatory bail. Otherwise, in a deserving case, there is likelihood of denial of personal liberty as well as access to justice for, by the time the person concerned approaches the Court of competent jurisdiction to seek anticipatory bail, it may well be too late as he may be arrested. Needless to say, the Court granting transit anticipatory bail would obviously examine the degree and seriousness of the apprehension expressed by the person who seeks transit anticipatory bail; while the object underlying exercise of such jurisdiction is to thwart arbitrary police action and to protect personal liberty besides providing immediate access to justice though within a limited conspectus."*

9. Further, Aadhar appended by the petitioner along with instant application indicates his status/residential address as; ***"Plot No.391/392, Street No.5, Shiv Mandir, Jamalpur Lali, Jamalpur Lelit, District Ludhiana"***



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10. By applying the principles of law laid down by the Hon'ble Apex Court in **Priya Indoria's case** (*supra*), this Court is of the considered view that the present petition deserves acceptance. Accordingly, the prayer made herein is allowed and the petitioner is granted the concession of Transit Anticipatory Bail for a period of three weeks from today, i.e., up to **14.01.2026**, so as to enable him to approach the competent Courts in Diu in connection with FIR No.26, dated 04.10.2025, under Section 318(4), 3(5) of BNS, registered at Police Station Diu, District Diu.

In the event of his arrest in connection with the aforesaid FIR, petitioner shall be released on bail for a period not exceeding three weeks from today, subject to his furnishing personal bonds in the sum of Rs.50,000/- to the satisfaction of the Arresting/Investigating Officer. Needless to mention, petitioner shall be at liberty to approach the competent Court at Diu or the Hon'ble High Court of Bombay for seeking appropriate relief.

It is, however, clarified that in case the petitioner fails to avail the aforesaid remedy within the stipulated period or violates any condition, the present order shall be of no avail to him.

Petition stands **disposed of** accordingly.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 24, 2025

Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*