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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 922/2025**

KRISHNA SETHI

.....Petitioner

Through: Mr. Gautam Narayan, Senior Advocate with Mr. Kanhaiya Singhal, Mr. Tushar Nair, Mr. Binwant Singh, Mr. Prasanna and Mr. Ajay, Advocates.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Tarang Srivastva, APP for the State.
SI Rachna, P.S.: Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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04.03.2025

CRL.M.A. 6898/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

BAIL APPLN. 922/2025

By way of the present petition filed under section 482 of the read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks transit anticipatory bail in case FIR No.23/2025 dated 03.02.2025 registered under sections 120-B/313/323/406/498-A/506 of the Indian Penal Code, 1860 at P.S.: Pinangwa, Haryana.



2. Mr. Gautam Narayan, learned senior counsel appearing for the petitioner submits, that the petitioner is the mother-in-law of the complainant/respondent No.2, and has been arrayed as accused No.2 in the subject FIR.
3. Learned senior counsel points-out, that as will be seen from the allegations in the FIR, the complainant alleges that the accused persons started committing offences against her from the very date of her marriage, *i.e.* on 18.07.2022; but the FIR has come to be registered almost 03 years later in 2025.
4. Mr. Narayan has taken the court through the allegations in the FIR, to submit that they are vague and general in nature and lack specificity. It is submitted that the complainant continued to reside in her matrimonial home in Delhi up until October 2024; whereafter, according to the complainant, she left the matrimonial home after an alleged incident between her and her husband (the petitioner's son) on the intervening night of 16.10.2024 and 17.10.2024. It is pointed-out that complaint dated 21.10.2024 was made thereafter to P.S.: Pinangwa, Haryana and even then no FIR was registered at that stage.
5. Learned senior counsel submits, that thereafter the petitioner (as well as her son and daughter) received a purported Notice dated 22.10.2024 from P.S.: Pinangwa, Haryana requiring them to appear in that police station on 23.10.2024. It is submitted that the petitioner's son (who was also one of the noticees) visited the police station on that date, where he was subjected to extremely aggressive behavior at the hands of the police and was asked to 'settle' the matter with the complainant by transferring the apartment in which the complainant



used to reside in Delhi. It is pointed-out that even then, the FIR was registered some 04 months later on 03.02.2025.

6. Mr. Narayan accordingly argues, that considering what the petitioner's son was subjected-to at P.S.: Pinangwa, Haryana, the petitioner is fearful that the Haryana Police would attempt to arrest her, without their being any justification for such arrest.
7. On point of law, it is argued that in its recent decision in ***Priya Indoria vs. State of Karnataka and Ors.***¹, the Supreme Court has held that if a person is alleged to have committed an offence in one State and an FIR is lodged in another State, it is available to the person to approach the State within which the person resides to seek *transit anticipatory bail of limited duration*, in-line with the larger concept of access to justice.
8. Attention in this behalf is drawn to the operative part of *Priya Indoria* (supra), which is extracted below:

“96. We shall now revert to our illustration given at the beginning of this judgment. In the illustration, we have stated that if a person commits an offence in one State and the FIR is lodged within the jurisdiction where the offence was committed but the accused resides in another State he can approach the court in the other State and seek transit anticipatory bail of limited duration. We have held that the accused could approach the competent court in the State where he is residing or is visiting for a legitimate purpose and seek the relief of limited transit anticipatory bail although the FIR is not filed in the territorial jurisdiction of the district or State in which the accused resides, or is present depending upon the facts and circumstances of each case. Conversely, the offence may be committed in one State, the FIR may be lodged in another State and

¹ (2024) 4 SCC 749



the accused may reside in a third State. In which of the courts of the three States would the accused approach for grant of anticipatory bail? We feel that having regard to the salutary concept of access to justice, the accused can seek limited transit anticipatory bail or limited interim protection from the court in the State in which he resides but in such an event, a “regular” or full-fledged anticipatory bail could be sought from the competent court in the State in which the FIR is filed.

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“98. Having regard to the vastness of our country and the length and breadth of it and bearing in mind the complex nature of life of the citizens, if an offence has been committed by a person in a particular State and if the FIR is filed in another State and the accused is a resident in a third State, bearing in mind access to justice, the accused who is residing in the third State or who is present there for a legitimate purpose should be enabled to seek the relief of limited anticipatory bail of transitory nature in the third State.”

(emphasis supplied)

9. It is in this backdrop that the petitioner claims transit anticipatory bail, submitting that interim protection be granted to the petitioner; and they would thereafter move the jurisdictional court in Haryana to seek appropriate relief.
10. Learned senior counsel further submits that *vide* order dated 20.12.2024 made in BAIL APPLN. No. 4742/2024 titled ***Kashif Athar (Advocate) vs. State of Uttar Pradesh and other connected matters***, a Co-ordinate Bench of this court has also granted similar relief of limited transit anticipatory bail, relying upon *Priya Indoria*.
11. Issue notice.
12. Mr. Tarang Srivastva, learned APP appears for the State on advance copy; accepts notice; and submits, that in view of the limited nature of



the relief sought, the State leaves it to the court to pass appropriate orders.

13. In view of the prayer made, it is not considered necessary to issue notice to respondent No.2, viz. the SHO, P.S.: Pinangwa, Haryana.
14. Upon a conspectus of the foregoing facts and circumstances, this court observes that the subject FIR which relates to an episode of 16.10.2024 and 17.10.2024, has come to be registered some 04 months later on 03.02.2025. Furthermore, it is noticed that in the context of the allegations made by the complainant, the Haryana Police/P.S.: Pinangwa, Haryana had issued a purported Notice dated 22.10.2024 to the petitioner, in compliance of which the petitioner's son is stated to have visited the police station but no arrest was made even at that stage; and even the FIR was not registered on that date.
15. Keeping the above backdrop in mind, and in-line of the law enunciated by the Supreme Court in *Priya Indoria*, this court is persuaded to direct that no coercive steps shall be taken against the petitioner for the next 30 days, within which time the petitioner shall be at liberty to approach the court of competent jurisdiction within the State of Haryana, for such relief as the petitioner may be advised to seek, in accordance with law.
16. The petition is disposed-of in the above terms.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 4, 2025/ak