

ITEM NO.36

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 22236/2026

[Arising out of impugned final judgment and order dated 10-04-2026 in CRLP No. 5285/2026 passed by the High Court for The State of Telangana at Hyderabad]

THE STATE OF ASSAM

Petitioner(s)

VERSUS

PAWAN KHERA & ANR.

Respondent(s)

(IA No. 113330/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 113333/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 15-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General
Mr. S V Raju, Sr. Adv.
Mr. Devajit Saikia, Adv. Gen.
Mr. Shuvodeep Roy, AOR
Mr. Kaustav Gogoi, Adv.
Mr. Annam Venkat, Adv.
Mr. Digvijay Dam, Adv.
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Permission to file the special leave petition is granted.
2. Application for exemption from filing Official Translation is allowed.

3. Mr. Tushar Mehta, learned Solicitor General appearing for the petitioner submits that the respondent had applied for anticipatory bail before the High Court of Telangana as per the prayer made in the petition, though the offence is committed at Guwahati and the FIR has also been registered at Guwahati, Assam, however, the Gauhati High Court assumes jurisdiction in the matter. It is further his contention that to file the petition before the Telangana High Court, the document (Aadhar Card) has been used. The front page of the Aadhar Card is in the name of Respondent No.1, though the back side indicate the address of his wife though aadhar numbers of both are different. Thus, by producing a fabricated document, only to make out the jurisdiction of the Telangana High Court, the petition was filed for bail.

4. It is his contention that such an act is for forum choosing based on fabricated documents and not justified. It is further urged that the Court relied upon a judgment of **Priya Indoria vs. State of Karnataka & Ors.**¹ upto paragraph 96 but the observations as made in paragraph 97 have not been considered. The order impugned has been passed granting transit bail for a period of seven days and now, by filing I.A. No.1 of 2026, extension for three weeks has been sought for. Such document is available on the website of the High Court of Telangana (internet). It is his

1 (2024) 4 SCC 749

contention that the benefit of discretion as allowed in a petition based on fabricated documents without disclosing the correct facts and the law as indicated in the judgment of *Priya Indoria* (supra) is not justified.

4. After hearing, we issue notice returnable on 13.05.2026.

5. In the meantime, operation of the impugned order shall remain stayed. We make it clear that in case the respondent applies for anticipatory bail before the Court having jurisdiction in Assam and while deciding such application, the order passed today by this Court staying order of transit bail would not have any adverse inference to court.

6. List on 13.05.2026.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR