

ITEM NO.47

COURT NO.1

SECTION X

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition (Criminal) No.74/2023

PAWAN KHERA

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ORS.

Respondent(s)

(With IA No.42083/2023-GRANT OF INTERIM RELIEF and IA No.43155/2023-GRANT OF INTERIM RELIEF and IA No.42085/2023-EXEMPTION FROM FILING O.T. and IA No.43158/2023-EXEMPTION FROM FILING O.T. and IA No.43162/2023-EXEMPTION FROM FILING AFFIDAVIT)

Date : 20-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Muhammad Ali Khan, Adv.  
Mr. Abishek Jebaraj, AOR  
Mr. Omar Hoda, Adv.  
Mr. Amit Bhandari, Adv.  
Mr. Uday Bhatia, Adv.  
Ms. Eesha Bakshi, Adv.  
Mr. Karan Sharma, Adv.  
Mr. Kamran Khan, Adv.  
Mr. Shariq Abbasi, Adv.  
Mr. Aadil Boparai, Adv.  
Ms. A. Reyna Shruti, Adv.

**For Respondent(s)** Mr. Tushar Mehta, SG  
Ms. Aishwarya Bhati, Sr. Adv.  
Mr. Shuvodeep Roy, AOR  
Mr. Deepayan Dutta, Adv.  
Mr. Shashank Sai, Adv.

Mr. Tushar Mehta, SG  
Mrs. Garima Prasad, Sr. Adv., Sr. AAG  
Mr. Garvesh Kabra, AOR

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

- 1 The details of the FIRs which have been registered against the petitioner are set out below:
  - (i) FIR No 65 of 2023 registered at PS Hazratganj, Lucknow on 20 February 2023;
  - (ii) FIR No 86 of 2023 registered at PS Cantt, Varanasi on 20 February 2023; and
  - (iii) FIR No 19 of 2023 registered at PS Haflong, Dima Hasao, Assam on 22 February 2023.
- 2 By the order of this Court dated 23 February 2023, the petition was entertained confined to the issue as to whether the FIRs which were registered against the petitioner should be clubbed in one and the same jurisdiction. Such a course of action has been previously adopted by this Court in **Arnab Ranjan Goswami v Union of India**<sup>1</sup>.
- 3 Notice was accordingly issued on the prayer of the petitioner for transferring and clubbing of the FIRs which were registered in respect of the press conference in question in one jurisdiction.

1 (2020) 14 SCC 2012

4 On 23 February 2023, this Court issued the following interim directions:

“(iv) In order to enable the petitioner to apply for regular bail before the jurisdictional court, upon the FIRs being transferred to one jurisdiction, we direct that the petitioner shall be released on interim bail by the court of the competent Magistrate at Delhi where he is to be produced this evening;

(v) The above order is passed in connection with Haflong PS Case No 19 of 2023.”

5 The above order was directed to remain in operation till 28 February 2023 and has since been extended on 27 February 2023 and 3 March 2023.

6 Mr Muhammad Ali Khan, counsel appears for the petitioner.

7 Pursuant to the notice to the States of Uttar Pradesh and Assam, Mr Tushar Mehta, Solicitor General of India along with Ms Aishwarya Bhati, Additional Solicitor General of India appears on behalf of the States of Uttar Pradesh and Assam. Ms Garima Prashad, Additional Advocate General assisted Mr Tushar Mehta, Solicitor General for the State of Uttar Pradesh.

8 During the course of the hearing, counsel appearing on behalf of the petitioner has reiterated that the petitioner stands by the unconditional apology which was tendered on his behalf by Dr Abhishek Manu Singhvi, senior counsel who appeared on 23 February 2023.

9 The first FIR was registered at PS Hazratganj, Lucknow. We order and direct that the subsequent FIRs registered at PS Cantt, Varanasi, Uttar Pradesh and at PS Haflong, Dima Hasao, Assam, shall stand transferred to PS Hazratganj, Lucknow, Uttar Pradesh.

- 10 The ad-interim order which was passed by this Court on 23 February 2023 (extended by the orders dated 27 February 2023 and 3 March 2023) shall stand extended till 10 April 2023. The petitioner would be at liberty to apply for regular bail before the jurisdictional court. All the contentions of the parties are left open to be urged before the jurisdictional court.
- 11 The Petition is accordingly disposed of.
- 12 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**