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

Date of Decision: 2nd November, 2026
Uploaded on: 4th November, 2026

\# **CNR No. DLHC010129852025**

\+ **CRL.A. 297/2025**

BASIT KALAM SIDDIQUE .....Appellant

Through: Mr. Kartik Venu, Mr. Agrim Tandon, Mr.R. Jude Rohit, Mr. Arjan Chonker, Ms. Alisha Sharda, Advs.

versus

NATIONAL INVESTIGATION AGENCY .....Respondent

Through: Mr. Jatin, Advocate for Mr. Rahul Tyagi, SPP for NIA with, Ms. Priya Rai, Charu Sharma, Ms. Shristi Kumari, Mr. Amit Rohila, Advocates along with Insp. Vishnu Sharma, CIO.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present appeal has been filed by the Appellant under Section 21(4) of the National Investigation Agency Act, 2008 assailing the order dated 17th February, 2025 passed by the ld. Additional Session Judge-03, New Delhi District, Patiala House Courts, New Delhi in ***SC No. 01/2022 titled NIA v Umar Nisar & Ors.*** *Vide* the impugned order, the application filed by the Appellant seeking regular bail was dismissed by the Trial Court. The appeal arises out of ***RC No. 14/2021/NIA/ DLI***.

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3. The case of the Appellant is that there is no material on record which would point to the guilt of the Appellant, who is A-12 before the Trial Court. Mr. Kartik Venu, ld. Counsel for the Appellant has vehemently urged that the Appellant deserves bail in order to enable him to prepare for trial before the Trial Court.

4. It is also further submitted that four of the co-accused including the main accused *i.e.*, A-1 (Umar Nisar), A-2 (Rameez Ahmed Lone), A-3 (Tanveer Ahmad Bhat) and A-5 (Afshan Parvaiz Jarabi) had pleaded guilty before the Trial Court which is recorded in order dated 17th September, 2026. Three of the said accused persons were sentenced to six years rigorous imprisonment along with other sentences to run concurrently. One of the co-accused was sentenced to five years of imprisonment.

5. In comparison, the Appellant has already served more than four years in incarceration. Accordingly, it is his case that the Appellant deserves to be released.

6. Ld. Counsel appearing for the NIA has relied upon the decision of the Co-ordinate Bench of this Court in ***CRL. A. 871/2023 titled 'Md. Heydaitullah v. National Investigation Agency'***. Mohd. Heydaitullah is A-13 in the same FIR and his appeal challenging the rejection of bail was dismissed on 10th January 2025. The said decision was challenged before the Supreme Court in ***SLP(Crl) No. 008799/2025 titled 'Md. Heydaitullah v. National Investigation Agency'*** which was finally disposed of *vide* order dated 11th August, 2026 in the following terms:-

> *"1. The instant petition has been filed for grant of regular bail in RC-14/2021/NIA/DLI registered at Police Station NIA under Sections 124A, 153A, 153B of the IPC and Sections 17, 18, 38, 39 and 40 of the*

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Unlawful Activities (Prevention) Act, 1967, that there were a total of 12 accused persons, out of whom 4 as absconding. It is stated that after completing the investigation, a chargesheet was filed against the remaining 8 accused persons, including the petitioner.

2. When this matter came up for hearing, this Court expanded the scope of this petition and passed various orders from time to time. Pursuant thereto, the Union of India has now established Special Courts for the exclusive trial of cases under NIA. The petitioner's case has also been transferred to one of such Special Courts where charges have also been framed.

3. In such circumstances, while we are not inclined to enlarge the petition on bail at this stage, we dispose of this petition with a direction to the learned Special Court to examine the vital and protracted witnesses within a period of six months and ensure that the entire trial is concluded within a period of one year. For this purpose, the case shall be taken up on a day-to-day basis, if so required."

7. The Court has heard the matter. Clearly, the role of A-12 and A-13 as captured in the charge-sheet cannot be different. Since this Court has already taken a view in respect of A-13, the Court would not be inclined to grant bail at this stage. However, the issue remains as to the other co-accused having been awarded sentences of five years and six years upon pleading guilty. This could be a ground for the Appellant to approach the Trial Court once again by way of a fresh application seeking bail. Ld. Counsel for the Appellant submits that his client may be permitted to approach the trial court.

8. Accordingly, the appeal is dismissed as withdrawn but with liberty to the Appellant to approach the Trial Court for bail once again.

9. Needless to add, any observation in the impugned order would not

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affect fresh consideration of the bail application, if any, filed by the Appellant.

10. All rights and contentions are left upon. It is made clear that this Court has not expressed any opinion on merits.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 2, 2026/MR/ck

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