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

Date of decision: 21st July, 2026

Uploaded on: 21st July, 2026

+ **CRL.A. 663/2026 and CRL.M.A. 21128/2026**

NATIONAL INVESTIGATION AGENCYAppellant

Through: Mr. Madhav Khurana, Sr. Adv. with
Ms. Trisha Mittal, Mr. Amit Badesra,
Ms. Kashvi Bansal and Ms. Aparna
Sharma, Advs. along with Mr. Prabhat
Bajpai, ASP, NIA, Mr. Lokesh Singh,
PO.

versus

KHURRAM PARVEZRespondent

Through: Mr. Tanveer Ahmed, Sr. Adv. with
Ms. Swati Khanna, Ms. Raminder
Kaur, Mr. Imran Ahmad, Mr. Kartik
Venu and Mr. Mohd. Yasin, Advs.

+ **CRL.A. 664/2026 and CRL.M.A. 21134/2026**

NATIONAL INVESTIGATING AGENCYAppellant

Through: Mr. Madhav Khurana, Sr. Adv. with
Ms. Trisha Mittal, Mr. Amit Badesra,
Ms. Kashvi Bansal and Ms. Aparna
Sharma, Advs. along with Mr. Prabhat
Bajpai, ASP, NIA, Mr. Lokesh Singh,
PO.

versus

IRFAN MEHRAZRespondent

Through: Mr. Rajat Kumar, Mr. Jawahar Raja
and Ms. Aditi, Advs.



CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CRL.M.A. 21137/2026 in CRL.A. 663/2026
CRL.M.A. 21133/2026 in CRL.A. 664/2026

2. These are the applications seeking permission to file lengthy synopsis and list of dates.

3. For the reasons mentioned in the applications, the same are allowed.

4. The applications are disposed of.

CRL.A. 663/2026 and CRL.M.A. 21128/2026 (for interim relief)
CRL.A. 664/2026 and CRL.M.A. 21134/2026 (for interim relief)

5. These are two appeals filed by the National Investigation Agency (NIA) challenging the impugned orders dated 18th July, 2026 passed by the Id. Principal District & Sessions Judge, Patiala House Courts, New Delhi in ***NIA No. 8/2023*** arising out of ***FIR No. RC No. 37/2020/NIA/DLI*** dated 8th October, 2020 registered at P.S. NIA, New Delhi.

6. *Vide* the impugned orders the Respondents *i.e.*, Khurram Parvez and Irfan Mehraj, have been granted bail subject to certain conditions.

7. The case arises out of ***FIR No. RC No. 37/2020/NIA/DLI*** registered for offences punishable under Section 120B and 124A of IPC & Sections 17, 18, 22A, 22C, 38, 39 & 40 of UAPA, 1967. The Respondents - Khurram Parvez and Irfan Mehraj are Accused No.1 and Accused No.2, respectively, in the chargesheet filed on 15th September, 2023. Accused No. 3 is one,



Ghulam Hassan Bana who is absconding.

8. The allegations in the chargesheet filed by the NIA are that the Respondents are part of an organization called as Jammu & Kashmir Coalition of Civil Society (JKCCS), which claims to be a civil society organization or an NGO. For the sake of completeness, some of the allegations raised in the chargesheet against the Respondents are summarised hereunder:

- (i) Accused No. 1 acted as the Program Coordinator of JKCCS, an unregistered NGO. The said NGO is also not registered under the Foreign Contribution (Regulation) Act, 2010.
- (ii) Accused No. 1 misused his NGO position, under the cover of human rights reporting, to organize secessionist programs/events and publish fabricated narratives to spread disaffection, hatred and enmity against the Indian State.
- (iii) Accused No. 1 connived with proscribed terrorist organization, Hizbul Mujahideen commanders, including absconding Accused No. 3 - Ghulam Hassan Bana, their frontal organization Jammu & Kashmir Affectees Relief Trust (JKART) and Inter-Services-Intelligence, Pakistan to raise illegal foreign funding.
- (iv) Accused No. 1 routed funds through a complex financial network and distributed to families of active/killed Hizbul Mujahideen cadres under financial support schemes. The fact that such payments were being made is evident from documents depicting payments with the code names of persons of terrorists to whom money was being paid.
- (v) Accused No. 1 received foreign funds sponsored by Accused No. 3 and ISI to support Hizbul Mujahideen's on-ground activities in



Kashmir.

- (vi) Accused No. 1 facilitated recruitment of local youths into terrorist ranks by arranging their travel to Pakistan.
- (vii) JKCCS organized many programs and events supporting secession of Kashmir. Persons who attended the programs also included members from Jammu & Kashmir Liberation Front *Dukhtaran-e-Millat* (DeM) etc. which are both banned terrorist outfits;
- (viii) Accused No. 1 is alleged to have met Hizbul Mujahideen designated terrorist Syed Sallahuddin. He met various other terror organization including *Al-Badr*, *Lashkar-e-Toiba* (LeT), All Party Hurriyat Conference (APHC), Pakistan Occupied Kashmir Faction and APHC (PoK) convenor - Farooq Rehmani.
- (ix) Accused No. 2 worked as researcher-volunteer with JKCCS from early 2016 and is described as a close associate of Accused No. 1.
- (x) Accused No. 2 is a part of the larger conspiracy promoting the secessionist agenda for Kashmir.
- (xi) Accused No. 2 was in contact with Hizbul Mujahideen commanders including Accused No. 3 and other ISI-affiliated individuals.
- (xii) Accused No. 2 is associated with several international NGOs said to promote Kashmir's secession.
- (xiii) Accused No. 2 allegedly played a pivotal role in instigating youth toward stone-pelting, on directions from Accused No. 1, who was working on the APHC's broader agenda.



(xiv) Accused No. 2 assisted Accused No. 1 in receiving funds from the Kashmiri diaspora and from Accused No. 3.

(xv) Accused No. 2 was involved in distributing these funds to stone-pelters, Hizbul Mujahideen Over-Ground Workers, and families of killed terrorists as compensation for allegiance.

9. The brief facts leading to the present appeals are that both the Respondents had applied for regular bail before the Id. Trial Court under Section 439 of Cr.P.C. read with Section 43D of the UAPA. The said bail applications have been decided by the Id. Trial Court and *vide* the impugned orders, regular bail has been granted to the Respondents by imposing several conditions in the following terms:

“107. In view of the above facts and circumstances, the application filed by the applicant/accused Khurram Parvez (A-1) for grant of bail is allowed. The applicant/accused Khurram Parvez (A1) is ordered to be released on bail on the following terms and conditions:

(a) The applicant/accused shall execute a personal bond in the sum of Rs. 2,00,000/- with two sureties in the like amount;

(b) The applicant/accused shall surrender his passport, if any, before this Court. If he does not hold a passport, an affidavit to that effect shall be filed by him before this Court;

(c) The applicant/accused shall not leave the National Capital Territory of Delhi without prior permission of this Court. Any application seeking permission to travel shall disclose the destination, duration, purpose of travel and complete contact details during such travel;



(d) *The applicant/accused shall only use one mobile phone and/or landline number during the course of the trial, which shall always be kept in the switch-on mode. He shall furnish his current residential address, the mobile/landline number and his e-mail address to the Investigating Officer and to this Court. He shall not change his residence or contact particulars without giving at least seven days' prior intimation to the Investigating Officer and to this Court;*

(e) *The applicant/accused shall appear before this Court on each date of hearing, unless exempted from such appearance;*

(f) *The applicant/accused shall not exhibit any conduct that has the effect of delaying the proceedings;*

(g) *The applicant/accused shall not directly or indirectly contact, influence, threaten or communicate with any prosecution witness, protected witness, complainant or person acquainted with the facts of the case. He shall not tamper with evidence, electronic material, records, devices or documents relating to the case;*

(h) *The applicant/accused shall not make any public statement, including through print, electronic media or social media, touching upon the merits of the case, the evidence, the witnesses or the pending trial;*

(i) *The applicant/accused shall not participate in any activity which may prejudice public order or the integrity of the trial;*

(j) *The applicant/accused shall not upload / share / disseminate or circulate any anti-national material on any social media platform or otherwise;*



(k) The applicant/accused shall report to the Investigating Officer once every fortnight, or at such interval as may be directed by this Court. The Investigating Officer shall maintain a separate register of attendance with respect to the accused;

(l) In the event of breach of any condition, it shall be open to the prosecution to seek cancellation of bail before the appropriate court.”

10. The said order is stated to have been pronounced on Saturday, 18th July, 2026 and thereafter these appeals have been filed by the NIA.

11. Yesterday *i.e.*, on Monday, 20th July, 2026, these matters were urgently mentioned by the NIA and the same were listed before this Court for consideration. The submissions of both parties were partly heard on the interim relief for stay of the impugned orders sought by the NIA.

12. The submission of Mr. Madhav Khurana, Id. Senior Counsel along with Ms. Trisha Mittal, Id. Counsel for the NIA is that the Id. Trial Court has not made any observation or arrived at any finding in terms of Section 43D(5) of the UAPA which requires the Id. Trial Court to come to a *prima facie* conclusion as to whether the accusations are true or not.

13. It is their submission that the Id. Trial Court has simply proceeded to granting bail primarily on the basis of the fact that the trial is at an early stage and the allegations are only based on oral testimony. In absence of any finding in terms of the *proviso* under Section 43D(5) of the UAPA, it is argued that the impugned orders are untenable.

14. It is also impressed upon the Court that both the Respondents are involved in extremely serious offences as is evident from the chargesheet



dated 15th September, 2023. It is stressed by the ld. Senior Counsel that considering the nature of allegations against the Respondents their release on bail would be contrary to national interest and could also seriously jeopardize national security.

15. On the other hand, Mr. Tanveer Ahmed Mir, ld. Senior Counsel and Mr. Jawahar Raja, ld. Counsel for the Respondents have submitted that upon the bail order being issued the Respondents are entitled to be released on bail immediately. It is further alleged that it is only under exceptional circumstances that when the bail order is manifestly perverse and mechanical that this Court ought to interfere with the same.

16. It is submitted that the ld. Trial Court has considered all the allegations against the Respondents and has only thereafter granted bail to the Respondents that too under stringent conditions.

17. Mr. Mir, ld. Senior Counsel further submits that once the Respondents have already submitted the bail bonds and the sureties, the non-release of the Respondents would also be contrary to law. Accordingly, it is submitted that the mere verification of bail bonds being adjourned to tomorrow *i.e.* 22nd July, 2026 cannot attract the prayer for interim relief at the behest of the NIA of holding back their release.

18. Ld. Senior Counsel has also placed reliance upon the decision of the Co-ordinate Bench of this Court in **CRL.A. 1234/2024** titled **Khuram Parvez vs. National Investigation Agency**, arising out of **FIR No. RC No. 30/2021/NIA/DLI** where the Respondent - Khuram Parvez has already granted bail on 10th June, 2026. It is submitted that the allegations in the said FIR are overlapping with the present case and till date the NIA has not challenged the said order granting bail.



19. Heard. The Court has considered the matter. On 20th July, 2026 after considering the submissions of the parties notice was issued in the present appeals.

20. The Court has now perused the charge sheet as also the judgement of the Trial Court which clearly reveals that the ld. Trial Court has failed to come to any conclusion in terms of the *proviso* to Section 43D(5) of the UAPA, as to the innocence or otherwise of the Respondents. The main finding of the ld. Trial Court in the respective impugned orders reads as under:

Impugned Order in CRL.A. 663/2026

“96. Accused Khurram Parvez is in judicial custody in this case since 22.03.2023. The allegation attributed by NIA in the instant case are mainly based upon oral testimony of the witnesses recorded by the Prosecution/NIA, veracity of which shall be tested during the trial, which definitely would take longer time as the charges against accused persons have not been framed yet.”

Impugned Order in CRL.A. 664/2026

“87. The allegation attributed by the NIA against accused Irfan Mehraj are mainly based upon testimony of oral witnesses, whose authenticity shall be tested during the trial. Also, that accused is in custody since the date of his arrest in the present case i.e. 20.03.2023 and there is no possibility of conclusion of trial in near future, as the charges against the accused persons have not yet been framed. Also, that accused Irfan Mehraj had joined the investigation on each and every occasion, whenever he was called before he was arrested on 20.03.2023. Thus, there is no possibility that the accused shall flee from justice and shall not face the trial.”



21. Thus, the trial court's reasoning is two-pronged i.e.,

- that the evidence is based on oral testimony and
- further that the trial is likely to be delayed further, as charges are yet to be framed in the matter.

However, a perusal of the chargesheet would show that there is in fact documentary evidence which is relied upon by the NIA. Therefore, there ought to have been a discussion in this regard in the impugned orders. The Id. Trial Court is not a Constitutional Court and ought to, in the *prima facie* opinion of this Court, strictly have gone by the mandate of the statute.

22. Under these circumstances, at the stage of granting bail, this Court would have to consider the mandate of Section 43D(5) of the UAPA and reach a *prima facie* finding on the allegations raised by the NIA. However, since the impugned orders are orders where bail has been granted by the Id. Trial Court and various conditions have been imposed, this Court is not inclined to stay the operation of the impugned orders.

23. Bearing in mind the serious nature of allegations against the Respondents, without opining on the merits of the matter, at this stage, this Court deems fit to impose the following further conditions for bail:

- (i) The accused shall report to Mr. Prabhat Kumar Bajpai, Chief Investigating Officer (IO) at the NIA Headquarters, Lodhi Road, twice a week, *i.e.*, on every Tuesday and Friday at 11:00 A.M. and after completion of all formalities the accused shall be discharged by 12:00 noon. The IO shall maintain a separate register of attendance with respect to the accused.
- (ii) The accused shall not indulge in any activity similar to the activities on the basis of which the present **RC No. 37/2020/NIA/DLI** stood



registered against them under the UAPA and IPC nor shall they associate with or participate in the activities of any group or organisation linked to the subject matter of the present RC, including but not limited to the Jammu & Kashmir Coalition of Civil Societies.

- (iii) The accused shall not participate in any programme or address or attend any gathering, rally or meeting pertaining to issues similar to the pending case, whether physically or virtually till conclusion of the trial.
- (iv) The accused shall not circulate any post, literature either in electronic form or physical form or circulate any hand bills, posters, banners, etc. in any form whatsoever.
- (v) The accused shall not try to establish any communication with co-accused or any other person named in the materials forming part of the present record or involved directly or indirectly in similar activities or make any international call to any person indulging in similar activities as alleged against him, through any mode of communication.
- (vi) The accused shall be free to interact with close relatives and family members, however, they shall not indulge in any communication or meetings with any persons/organisations, directly or indirectly, named in the chargesheet in **RC-37/2020/NIA/DLI**.

24. It is made clear that the above conditions are in addition to the conditions imposed by the Id. Trial Court in the respective impugned orders.

25. The impugned orders dated 18th July, 2026 shall not be cited as a



precedent in any other matter as the same are under consideration by this Court.

26. Let reply be filed by the Respondents within two weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

27. Let the electronic copy of the TCR be requisitioned. Upon the same being requisitioned, ld. Counsel for the parties shall obtain the same, upon request, for assistance of this Court.

28. It is made clear that the proceedings before the Trial Court shall continue.

29. List on 24th August, 2026.

30. *Dasti.*

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

JULY 21, 2026
aj/msh