



ITEM NO.4

COURT NO.2

SECTION II-D

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

Petition(s) for Special Leave to Appeal (Crl.)
No(s). 11369/2026

[Arising out of impugned final judgment and order
dated 24-04-2026 in CRLA No. 0095/2025 passed by
the High Court of Delhi at New Delhi]

MOHD. SAQUIB ANSARI**PETITIONER(S)****VERSUS****STATE NCT OF DELHI****RESPONDENT(S)**

**IA No. 179981/2026 - EXEMPTION FROM FILING C/C OF
THE IMPUGNED JUDGMENT**
IA No. 179980/2026 - EXEMPTION FROM FILING O.T.

WITH

SLP(Crl) No. 11414/2026 (II-D)
**IA No. 180493/2026 - EXEMPTION FROM FILING C/C OF
THE IMPUGNED JUDGMENT**
IA No. 180491/2026 - EXEMPTION FROM FILING O.T.

Date : 27-07-2026 **These matters were called
on for hearing today.**

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Mr. Trideep Pais, Sr. Adv.
Ms. Deeksha Dwivedi, Adv.
Ms. Sakshi Jain, Adv.

Ms. Saloni Ambasta, Adv.
Mr. Fahad M. Khan, Adv.
Mr. Nilesh Jain, Adv.
Mr. Paras Nath Singh, AOR

For Respondent(s) :Mr. Anil Kaushik, A.S.G.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Pranjal Singh, Adv.
Ms. Alka Aggarwal, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Kartikay Asthana, Adv.

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

1. The petitioners are in custody in connection with FIR No. 54 of 2011 dated 22nd November, 2011 registered at Police Station Special Cell, New Delhi for the offences punishable under Sections 471, 489B, 489C, and 120B of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959; Sections 17, 18, 18A, 18B, 19 and 20 of the Unlawful Activities (Prevention) Act, 1967; Sections 3, 4, and 5 of Explosive Substances Act, 1908; and Section 12 of the Passports Act, 1967.
2. The respective applications for bail preferred by the petitioners under Section

43D(5) of the Unlawful Activities (Prevention) Act, 1967 came to be rejected by the learned trial Court. The appeals preferred thereagainst under Section 21 of the National Investigation Agency Act, 2008, questioning the orders passed by the learned trial Court were dismissed by the High Court of Delhi by a common judgment and order dated 24th April, 2026. Aggrieved thereby, the petitioners have approached this Court by way of the present Special Leave Petitions.

3. We have heard and considered the submissions advanced by learned counsel for the petitioners, and Mr. Anil Kaushik, learned Additional Solicitor General appearing for the State (NCT of Delhi) and have perused the record.

4. The Special Cell, during the course of investigation in the said FIR, arrested a Pakistani national, Mohd. Qateel Siddiqui, on the intervening night of 21st/22nd November, 2011. During the course of

investigation, the said Mohd. Qateel Siddiqui allegedly made disclosures regarding the establishment of a Rajasthan Module of the Indian Mujahideen to carry out terrorist activities in and around Delhi and further disclosed that its members were in possession of consignments of explosives.

5. Pursuant to the said information, the premises of the petitioner-Mohd. Saquib Ansari at Jodhpur were searched on 23rd March, 2014, during which gunpowder, ammonium nitrate, detonators and other articles allegedly used for the preparation of explosive devices were recovered and seized. These articles were handed over to the Rajasthan ATS, consequent to which, a separate case being FIR No. 113/2014 came to be registered at PS Pratap Nagar, Jodhpur, for the offences punishable under Sections 4, 5 and 6 of the Explosive Substances Act, 1908; Sections 16, 17, 18, 18A, 18B, 19, 20, 23

and 38 of the Unlawful Activities (Prevention) Act, 1967; and Sections 120B, 121, 121A, 122, 212, 465, 468 and 471 of the Indian Penal Code, 1860.

6. Likewise, explosives and IED-making materials were recovered from the possession of co-accused Waqar Azhar [petitioner in SLP (Crl.) No.11414 of 2026] at Jaipur.

7. The recovered articles were handed over to the Rajasthan ATS/SOG, leading to the registration of FIR No. 03/2014 at Police Station CID/SOG, Jaipur, initially for the offences punishable under Sections 4 and 5 of the Explosive Substances Act, 1908; Sections 3, 10, 13, 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 read with Section 120B of the Indian Penal Code, 1860.

8. The petitioners were formally arrested in connection with all the three FIRs during the year 2014 itself and have remained in custody ever since. They have

been granted bail in connection with the cases registered at Rajasthan as per details given below.

9. In the case arising out of FIR No. 03 of 2014 registered at Police Station CID/SOG, Jaipur, both the petitioners came to be convicted by the learned trial Court *vide* judgment dated 30th March, 2021 for various offences punishable under the provisions of the Indian Penal Code, 1860, the Explosive Substances Act, 1908 and the Unlawful Activities (Prevention) Act, 1967. Upon conviction, the learned trial Court awarded different terms of substantive imprisonment for the respective offences, including rigorous imprisonment for ten years under various provisions of the Explosive Substances Act, 1908 and the Unlawful Activities (Prevention) Act, 1967, as also under Sections 121A and 122 of the Indian Penal Code, 1860. The maximum sentence imposed upon the petitioners was imprisonment for

life for the offence punishable under Section 121 of the Indian Penal Code, 1860.

10. The sentence awarded to the petitioner-Mohd. Saquib Ansari has, however, been suspended by the High Court of Rajasthan *vide* order dated 6th September, 2024.

11. The trial arising out of FIR No.113/2014 registered at PS Pratap Nagar, Jodhpur is still pending. However, the petitioner-Mohd. Saquib Ansari has been granted bail in the said case by the High Court of Rajasthan *vide* order dated 7th November, 2024.

12. Likewise, the sentence awarded to petitioner-Waqar Azhar in FIR No.03/2014 has also been suspended by the High Court of Rajasthan, and he has also been granted bail in FIR No.113/2014.

13. Both the petitioners herein continue to remain incarcerated in connection with FIR No.54 of 2011 registered at Police

Station Special Cell, New Delhi for the last nearly 12 years with no prospect of an early conclusion of the trial.

14. One of the co-accused, namely, Mohd. Maroof, who is also facing trial with the petitioners in the present case, has already been enlarged on bail.

15. Having appreciated the submissions advanced at bar, and upon going through the record, we find that the petitioners have, more or less, been implicated in three separate FIRs for overlapping allegations.

16. In FIR No. 03/2014 registered at Police Station CID/SOG, Jaipur, both the petitioners were convicted, and their sentences have since been suspended by the High Court. Both the petitioners have also been granted bail in connection with FIR No.113/2014 registered at PS Pratap Nagar, Jodhpur. Consequently, the continued incarceration of the petitioners is solely on account of FIR No. 54/2011 registered

at PS Special Cell, New Delhi. We have checked the status of the trial from the proceedings available on the e-Courts Services Portal. An application for bail preferred by co-accused Mohd. Kafeel came to be rejected by the learned trial Court *vide* order dated 20th July, 2026, wherein it has been noticed that the examination of PW-68 was continuing out of the 197 prosecution witnesses proposed to be examined. The proceedings further reveal that from January, 2025 till date, only two witnesses have been examined, one of whom has been examined only in part. The progress of the trial has been extremely slow, and there appears to be no prospect of the trial being concluded in the near future.

17. As per the counter-affidavit of the respondents, as many as 25 accused have been arrested in the present case. Having regard to the overall facts and circumstances, particularly the fact that

the co-accused Mohd. Maroof has already been enlarged on bail; that the sentences of both the petitioners have been suspended in the case arising from FIR No. 03/2014 registered at PS CID/SOG, Jaipur wherein they were convicted by the special Court at Rajasthan; that the petitioners have been granted bail in connection with the FIR No.113/2014 registered at PS Pratap Nagar, Jodhpur; coupled with the slow progress of trial, we feel that the continued incarceration of the petitioners in this case is grossly violative of the right to liberty enshrined under Article 21 of the Constitution of India.

18. Accordingly, we direct that the petitioners be released on bail, on such terms and conditions as may be imposed by the trial Court, in connection with FIR No.54 of 2011 dated 22nd November, 2011 registered at PS Special Cell, New Delhi, subject to their not being required in any other case.

19. It is made clear that the observations made herein are confined to the adjudication of the present petitions seeking bail and shall not be construed as an expression on the merits of the case pending before the trial Court.

20. The petitioners shall continue to cooperate with the trial. In the event the trial Court or the prosecution finds that the petitioners are delaying the conclusion of trial, failing to cooperate with the trial, or otherwise misusing the liberty granted to them, it shall be open to the prosecution to apprise this Court of the same for appropriate orders.

21. The Special Leave Petitions and pending applications are disposed of accordingly.

(NEETU KHAJURIA)
ASTT.REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR