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

+ **CRL.M.C. 2614/2025**

OMA SALAM

.....Petitioner

Through: Mr. Tanveer Ahmed Mir, Senior Advocate with Mr. A. Nofal, Mr. Shaikh Saipan & Mr. Mohd. Imran Ahmad, Advocates

versus

NATIONAL INVESTIGATION AGENCYRespondent

Through: Mr. Rahul Tyagi, SPP with Mr. Vikas Walia, ASPP, Mr. Jatin, ASPP & DSP T.V. Rajesh, CID

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **28.04.2025**

CRL.M.A. 11737/2025 EXEMPTION

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 2614/2025

1. This is a petition under Section 528 of BNSS, seeking quashing of the order dated 09.04.2025, passed by the learned Sessions Court in RC No. 14/20212/NIA/DLI titled "Oma Salam Vs. NIA." The daughter of the petitioner expired in a fatal accident about one year ago. Petitioner filed an application for custody parole before the trial court with following prayer:-

"a) Enlarge the Applicant/Accused on Custody Parole so as to attend scheduled "Khatamul Quran" program to extend eternal peace of the soul of the deceased daughter of the applicant for the period of 15 days from 18.04.2025 to 02.05.2025 and permit the applicant to visit Qabar (tomb) of applicant's daughter on every day in the period of custody parole."



2. The application was disposed by the learned Sessions Court, granting one day custody parole for six hours, excluding the period of travel to visit the Qabr of the deceased daughter of the applicant.

3. Mr. Mir, learned Senior Counsel, appearing for the petitioner, submits that custody parole was sought to attend the scheduled “Khatamul Quran” Programme at the residence of the petitioner to extend eternal peace to the soul of the deceased daughter of the petitioner and the said programme is scheduled from 18.04.2025 to 02.05.2025. It is submitted that the grant of custody parole only for one day and that too for six hours, shall defeat the very purpose for which the relief is sought. It is argued that the denial of custody parole for sufficient period violates the petitioner’s right to life and dignity as well as the right of his participation in 15 days “Khatamul Quran” programme.

4. Petition has been opposed by the learned Additional PP, appearing for NIA. It is submitted that the case against the petitioner pertains to conspiracy hatched by the office bearers, members and cadres of Popular Front of India (PFI), who are involved in raising or collecting funds from within India and abroad through banking channels and through Hawala, donations etc. for getting committed terrorist acts in various parts of India. It is submitted that petitioner was the Chairperson of the banned organization and is therefore in a position of influence. It is further submitted that last year, when the daughter of the petitioner had expired, the agency had not opposed the grant of custody parole, but extending the custody parole for more than a day, would put extra pressure and inconvenience on the agency. It is argued that “Khatamul Quran” is not an essential ritual/ceremony and is optional and petitioner is not necessarily required to attend the same.



5. Learned Additional PP draws the attention of the Court to Rule 1203 of Delhi Prisons Rules, 2018, which deals with the custody parole and which reads as under:-

“1203. Custody Parole” may be granted to the convict by an order in writing, issued by the Superintendent Prison and to the under trial prisoners by the trial court concerned, for a period of not more than six hours, excluding the time taken to reach the destination and return to Prison, in the following eventualities:

- i. Death of a family member;
- ii. Marriage of a family member;
- iii. Serious illness of a family member; or
- iv. Any other emergency circumstances with the approval of DIG (Range) of prisons.

Note: The prisoners who have been convicted by the trial court may avail custody parole from prison authorities though their appeals are pending before the higher courts.”

6. It is argued that the trial court has granted the custody parole for a period for six hours in terms of the Prison Rules, and therefore, there is no impropriety or infirmity in the orders passed by the learned trial court.

7. It is an admitted fact that the daughter of the deceased had died about one year ago and after her death, petitioner was granted custody parole for one day. It is nowhere the case of the respondent agency that petitioner had, in any manner, violated the conditions of grant of custody parole. No status report has been filed in the present proceedings. However, during submissions, the agency has not disputed the performance of “Khatamul Quran” programme at the residence of the petitioner from 18.04.2025 to 02.05.2025. The Division Bench of this Court in CRL. A. 873/2024, granted custody parole to the co-accused A.S. Ismail for a period of nine days from 05.11.2024 to 13.11.2024 for eight hours every day. In the SLP filed by co-accused A.S. Ismail, the custody parole was extended from 05.11.2024 to 15.11.2024. C-accused Mohd. Shakif was also granted custody parole for a



period of five days from 12.03.2025 to 16.03.2025.

8. Having considered the matter, this Court is of the opinion that since the petitioner has to attend religious ritual being organised by his family upon completion of one year after the death of his daughter and for visiting the Qabr (Tomb) of his deceased daughter, I deem it appropriate to extend the custody parole by directing that custody parole be granted for a period of three days, excluding the travel time, subject to the following terms and conditions:

- i) petitioner shall be permitted to attend the scheduled “Khatamul Quran” programme for a period of six hours every day;
- ii) during custody parole, petitioner shall not meet anyone else except his immediate family members i.e. his parents, wife and children;
- iii) the expenses for travel for himself and the personnels travelling with him for custody parole shall be borne by the petitioner;
- iv) that petitioner shall not be allowed to use any phone either landline or mobile and shall not be allowed to access to the internet;
- v) during custody parole period, petitioner would be allowed to visit the Qabr (Tomb) of his daughter only once. The security/escorting staff shall ensure that petitioner is not taken to any other place except his residence for attending the “Khatamul Quran” programme and Qabr/Tomb of his daughter;
- vi) petitioner shall not be allowed to click photographs with anyone.

9. In case of any violation of any of the conditions, the custody parole would come to an end immediately and the petitioner would be brought back to the prison.



10. The jail authorities concerned are directed to ensure adequate safety/security measures while taking the petitioner for custody parole. They may also coordinate with the local police station and NIA for ensuring law and order situation and take suitable measures to ensure that petitioner does not flee away during custody parole.
11. The State Police shall extend full cooperation required for implementation of this order.
12. It is made clear that the extension of custody parole has been granted only on humanitarian consideration in the circumstances of the case and shall not be taken as a precedent.
13. Petition is disposed of in the above terms.
14. Pending applications, if any, are also disposed of.
15. Copy of this order be sent to the Superintendent Jail for information and compliance.
16. Copy of this order be given *dasti* under the signatures of Court Master.

RAVINDER DUDEJA, J.

APRIL 28, 2025

RM