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

+ **CRL.M.C. 3228/2025 & CRL.M.A. 14229/2025**

MOHAMED ALI JINNAH

.....Petitioner

Through: Mr. Satyakam, Mr. Shaikh Saipan and
Md. Arif Hussian, Advocates.

versus

NATIONAL INVESTIGATION AGENCY AND ANR.

.....Respondent

Through: Mr. Rahul Tyagi, SPP, NIA with Mr.
Vikas Walia, Mr. Jatin, Mr. Amit
Rohila, DSP T.V.Rajesh, CIP, NIA.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

08.05.2025

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1. The present petition under Section 528 BNSS has been filed against the impugned order dated 03.05.2025, passed by the learned Sessions Judge, Patiala House Court, New Delhi, whereby, the petitioner's application for custody parole for a period of one week was dismissed.
2. Petitioner filed an application for custody parole on account of the marriage of his cousin sister namely S. Majida Alima on 11.05.2025 at Sheik Mohammad Juma Masjid, Panpozhi, Tenkasi and for spending some precious time with his blood relatives.
3. The application came to be dismissed vide impugned order dated 03.05.2025.

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4. Learned counsel for the petitioner submits that petitioner being the cousin brother of the bride, has an important role to play in various customary ceremonies and his role in the family functions is very vital. He states that wedding is once in a lifetime event, and therefore, petitioner be permitted to attend the wedding to bless the newlyweds. According to him, the denial of custody parole violates petitioner's right to live with dignity. The other reason cited by the learned counsel is the health issue of his mother, who is stated to be suffering from various ailments.

5. Learned SPP, appearing for the respondent, files verification report and opposes the application. He submits that even though the factum of marriage of the cousin of the petitioner is duly verified, but the petitioner has no role in the marriage event, inasmuch as, he is not to participate in any of the ceremonies.

6. He submits that petitioner is an office bearer of Popular Front of India (PFI) and was 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. According to him, there is no illegality or impropriety in the order passed by the learned trial court.

7. Leaned counsel for the petitioner has invited the attention of the Court to the order dated 20.12.2024, passed by the same Sessions court, wherein, one of the co-accused named Mohammad Yusuf was granted custody parole to attend the marriage of his niece. It is submitted that on the same parity, the present petitioner/accused also deserves the grant of custody parole.

8. Respondent agency has duly confirmed the marriage of the cousin sister of the petitioner. It is also an admitted fact that co-accused persons had

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been granted custody parole time to time for one or the other reason. In order to enable the petitioner to attend the marriage of his cousin sister for extending his blessings, I deem it appropriate to grant custody parole to the petitioner for eight hours, excluding the travel time, subject to following terms and conditions:-

- i) petitioner shall be permitted to attend the 'Nikah Ceremony' for a period of eight hours on 11.05.2025;
- ii) since the petitioner wants to travel by air, the expenses of such travel as also of the personnels escorting him for custody parole shall be borne by the petitioner himself;
- iii) during custody parole, petitioner shall not meet anyone else except his immediate family members;
- iv) that petitioner shall not be allowed to use any phone, either landline or mobile and shall not be allowed access to the internet;
- v) the security/escorting staff shall ensure that petitioner is not taken to any other place except the wedding venue;
- 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 maintaining law and order situation and take suitable measures to ensure that petitioner does not flee away during custody parole.

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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.

MAY 8, 2025

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