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

+ **CRL.A. 672/2025**

ABDUL RASHID SHEIKH

.....Appellant

Through: Mr. Vikhyat Oberoi, Ms. Nishita
Gupta, Mr. Ravi Sharma & Mr.
Shivam Prakash, Advs.



versus

NATIONAL INVESTIGATION AGENCY NIARespondent

Through: Mr. Akshai Malik, SPP, Mr. Ayush
Agarwal, Mr. Khawar Salem, Advs.
for NIA.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **18.05.2026**

1. This hearing has been done through hybrid mode.

CRL.M (BAIL) 1035/2026 (for interim bail)

2. The present application has been filed by the Appellant - Abdul Rashid Sheikh also known as Engineer Rashid under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, *inter alia*, seeking interim bail on the ground of the demise of the Appellant's father.

3. The said application has been taken up by the Board upon being mentioned by Id. Counsel for the Appellant, due to urgency of the matter.

4. The instant appeal had been filed by the Appellant assailing the order dated 24th April, 2026 (hereinafter, '*impugned order*') passed by the Id. Additional Sessions Judge – 03, Patiala House Courts, New Delhi District, Delhi in *NIA Case No. 2/2018* arising out of *RC No. 10/2017/NIA/DLI*.

5. The Appellant is a Member of Parliament, who has been elected from



the Baramulla constituency in Jammu and Kashmir in 2024. The Appellant is arrayed as Accused No. 18 in *NIA Case No. 2/2018*, titled, *State v. Hafeez Mohd. Saeed & Ors.* and the same is pending trial before the Id. Additional Sessions Judge – 03, Patiala House Courts, New Delhi District, Delhi.

6. The Appellant had initially moved for regular bail before the Trial Court which was rejected *vide* order dated 21st March, 2025. The said order is under challenge in this appeal.

7. During pendency of this appeal, the Appellant filed an application seeking interim bail before the Trial Court on the ground that his father is suffering from various ailments. However, *vide* order dated 24th April, 2026, the interim bail of the Appellant had been rejected by the Trial Court.

8. An appeal being *CRL.A.419/2026* was then preferred by the Appellant seeking interim bail and challenging the order dated 24th April, 2026. The said appeal was heard on 28th April, 2026 along with the present appeal. On the said date, the Appellant's prayer seeking interim bail on the ground of his father's illness was also considered by the Court. After hearing the parties, the Court had granted interim bail to the Appellant in the following terms:

“14. The Court has heard the Id. Senior Counsels on behalf of the parties. The Appellant is admittedly a Member of Parliament and he has also earlier been permitted to file his nomination, campaign and also attend Parliament Session on custody parole¹.

15. The latest Nominal Roll of the Appellant would show that the Appellant has been in custody for more than 6 years and 8 months except the 48 days when he was out on interim bail. The Appellant was also permitted to attend Parliament Sessions on custody parole.

¹ Order dated 25th March, 2025 in *CRL. A 299/2025* titled '*Abdul Rashid Sheikh v. NIA*'



16. After going through the record and considering the facts in this particular case, the Court is of the opinion that this is a fit case for grant of interim bail for a period of one week from the date of release, subject to the following conditions.

i. The Appellant shall be released upon furnishing a personal bond for a sum of Rs.50,000/-, with a surety of the like amount, to the satisfaction of the Trial Court/Link Court;

ii. The Appellant during the period of one week shall always be accompanied by at least two police officials in plain clothes. The said police officials shall accompany him from the beginning of the journey from the concerned jail till the seventh day, when he returns from Srinagar. The Jail Superintendent is free to nominate the police officials who shall accompany the Appellant.

iii. The Appellant shall only be allowed to stay where his father is located, either at his residence or at the hospital where his father is admitted. The details of the same are as under:

- **Hospital - Shri Maharaja Hari Singh Hospital, SMHS Road, Near Gold Market, Karan Nagar, Srinagar, Jammu and Kashmir -190010**
- **Residential Address- House No. 345, Jawahar Nagar, Srinagar, Jammu and Kashmir**

iv. The Appellant shall not be permitted to move out of the said two venues;

v. During the period of the interim bail, when the Appellant is with his father, there shall not be any undue visitors except immediate family.

vi. The Appellant shall be permitted to use only one mobile number which shall also be given to the I.O., NIA and shall always keep it in 'switch on' mode. The Appellant shall intimate about change in the number, if any;

vii. The Appellant shall not, directly or indirectly,



contact witnesses or their family members in any manner;

viii. The Appellant shall not indulge in any criminal or unlawful activity and upon any such activity being discovered or indulged into, the present interim bail shall automatically stand cancelled;

ix. The Appellant shall not leave the country without prior permission of this Court;

x. Immediately, upon expiry of the bail period, the Appellant shall surrender before the concerned Jail Superintendent and shall be brought back to Delhi.

17. It is made clear that the observations which have been made by the Trial Court in the impugned order shall not come into the way of adjudication of the final matter or in any other proceedings.”

9. Thereafter, **CRL.A. 419/2026** was allowed and, accordingly, disposed of *vide* order dated 28th April, 2026 in the above terms. The said order was subsequently amended *vide* order dated 5th May, 2026 in **CRL.A. 419/2026**. The operative portion of the order dated 5th May, 2026 is as under:

“[...]

4. Under these circumstances, since the Appellant’s father is already in AIIMS, Delhi and the intention of the order dated 28th April, 2026 was that the Appellant gets to spend time with his father, who is ill, the said order is modified to the effect that the Appellant shall be permitted to meet his father from 8.00 A.M. to 8.00 P.M. on a daily basis till 10th May, 2026 at AIIMS, Delhi. After the said time elapses, the Appellant shall be lodged back in the concerned jail.

5. During the period of interim bail, the Appellant shall be accompanied by at least two police officials in plain clothes, who shall stand outside the ward.

6. All the remaining conditions in terms of the order dated 28th April, 2026 shall continue...”



10. The present application has been mentioned today before the Court on the ground that the Appellant's father has passed away in the intervening night of 17th and 18th May, 2026 at 00:10 AM at AIIMS, New Delhi.

11. Accordingly, the prayer in the present application is for interim bail for the purpose of Appellant to conduct the burial and carry out the customary rites, and perform various ceremonies which are required to be performed by the Appellant. The customary rituals that are to be performed by the Appellant are stated to be as under:

- a. *Funeral prayers on 18.05.2026 evening;*
- b. *Burial on the night of 18.05.2026;*
- c. *Four days mourning period from 18.05.2026 to 21.05.2026;*
- d. *Rasm-e-Chaharum (4th day ceremony) on 21.05.2026;*
- e. *7th day prayers/recitation of Quran on 24.05.2026;*
- f. *Observance of the first Eid-ul-Adha after the demise of the deceased from 27.05.2026 to 29.05.2026;*
- g. *11th day ceremony involving recitation of Quran and prayers seeking forgiveness on 28.05.2026;*
- h. *15th day ceremony on 01.06.2026; and*
- i. *40th day ceremony (Chahalisan) on 26.06.2026"*

12. Mr. Malik, Id. Counsel appearing for the NIA submits that the factum of the death of father of the Appellant has been verified.

13. The Court has heard the parties and perused the records. Accordingly, due to the demise of the Appellant's father, interim bail is granted to the Appellant until 2nd June, 2026.

14. Since the personal bond and surety have already been furnished, pursuant to the previous order dated 28th April, 2026, the same personal bond and surety shall be applicable to the Appellant in the present order as well.

15. The additional conditions for interim bail are as under:



- i. During the interim bail period, the Appellant shall always be accompanied by at least two police officials in plain clothes. The said police officials shall accompany him from the beginning of the journey from the concerned jail till the time he returns from Srinagar. The Jail Superintendent is at liberty to nominate the police officials who shall accompany the Appellant.
- ii. Upon Appellant's release, the Appellant shall only be allowed to stay at the following residential addresses:
 - ***House No. 345, Jawahar Nagar, Srinagar, Jammu and Kashmir;***
 - ***House No.11, Mawar Payeen, Tehsil Qalamabad, Langate, Distt. Kupwara, Jammu & Kashmir***
- iii. Apart from the above, for the purpose of customary rights, the Appellant shall be permitted to visit the burial ground or any other place of worship. Apart from the said venues, the Appellant shall not be permitted to move anywhere else;
- iv. During the period of interim bail, while the Appellant is permitted to reside at his residences at Srinagar or Langate, any meeting sought to be held by the Appellant with persons other than his immediate family members shall take place only in the presence of two police officials.
- v. The Appellant shall be permitted to use only one mobile number which shall also be given to the I.O., NIA and shall always keep it in 'switch on' mode. The Appellant shall intimate about change in the number, if any;
- vi. The Appellant shall not, directly or indirectly, contact witnesses or



- their family members in any manner;
- vii. The Appellant shall not indulge in any criminal or unlawful activity and upon any such activity being discovered or indulged into, the present interim bail shall automatically stand cancelled;
- viii. The Appellant shall not leave the country without prior permission of this Court;
- ix. Immediately, upon expiry of the bail period, the Appellant shall surrender before the concerned Jail Superintendent and shall be brought back to Tihar Jail, Delhi.
16. The order to be issued *dasti* under the signature of the Court Master and the Joint Registrar (Appellate) shall inform the concerned Jail Superintendent about the present order immediately so that the Appellant is able to fly to Srinagar today itself.
17. The application is allowed and disposed of in the above terms.
18. Order to be uploaded on the website of this Court *forthwith*.
19. Order to be also communicated through the Faster Cell to the concerned Jail Superintendent.
- CRL.A. 672/2025**
20. Accordingly, list on 7th July, 2026 *i.e.*, the date already fixed.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MAY 18, 2026/dk/sm