



ITEM NO.38

COURT NO.2

SECTION X

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

Writ Petition(s)(Criminal) No(s).219/2025

MOHAMMAD AMIR AHMAD @ ALI KHAN MAHMUDABAD

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(IA No. 132450/2025 - EX-PARTE BAIL, IA No. 132451/2025 -
EXEMPTION FROM FILING O.T.)

Date : 21-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Kapil Sibal, Sr. Adv.
Mr. Siddharth Luthra, Sr. Adv.
Mr. Shree Singh, Adv.
Mr. Nizam Pasha, Adv.
Ms. Awstika Das, Adv.
Mr. Arif Ali, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Mr. Mushtaq Salim, Adv.
Ms. Aparajita Jamwal, Adv.
Mr. Sidharth Kaushik, Adv.
Mr. Ahmad Ibrahim, Adv.
Mr. Sachin Dubey, Adv.
Mr. Madhav Deepak, Adv.
Ms. Arunima Nair, Adv.
Ms. Madhusruthi N., Adv.

For Respondent(s) :Mr. S.V. Raju, ASG
Mr. B.K. Satija, AAG
Mr. Samar Vijay Singh, AOR

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

1. Issue notice, returnable on 28.05.2025.
2. Mr. Samar Vijay Singh, AOR accepts notice on behalf of respondent-State.

3. AOR for the petitioner is directed to handover a complete set of the paper-book to AOR for the respondent-State.

4. Having regard to the contents of the two alleged offending posts uploaded on social media, which have led to the registration of two FIRs against the petitioner, we are satisfied that no case for staying the investigation is made out. However, to holistically understand the complexity of the phraseology employed and for proper appreciation of some of the expressions used in these two online posts, we direct the Director General of Police, Haryana to constitute an SIT comprising three directly recruited IPS Officers, who do not belong to the States of Haryana or Delhi. The SIT shall be headed by an Officer at least in the rank of Inspector General of Police, the remaining two members will be Officers in the rank of Superintendent of Police and above. One of the members of the SIT will be a woman IPS Officer.

5. We have also considered the prayer for bail made on behalf of the petitioner. With a view to facilitate the investigation, as noted above, we direct that the petitioner be released on interim bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Sonipat, Haryana. There shall be only one set of bail bonds for both the FIRs.

6. In addition to the terms and conditions that may be imposed by the Chief Judicial Magistrate, it is directed that:

(i) The petitioner shall not write any online post, article or shall not make any oral speech related to either of the two

online posts, which are subject-matter of the investigation.

(ii) The Petitioner is also restrained from expressing any opinion in relation to the terrorist attack on Indian soil or the counter response given by our armed forces.

(iii) The petitioner is directed to surrender his passport before the Court of the Chief Judicial Magistrate, Sonipat.

(iv) The Director General of Police is directed to constitute the SIT within 24 hours. The petitioner shall join and fully cooperate with the investigation.

7. It is made clear that one of the objects of granting interim bail is to facilitate the ongoing investigation. If the SIT/Investigating Agency finds any other incriminating material against the petitioner, it shall be at liberty to place it on record and seek modification of the interim order.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR