2026 INSC 1210

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO(S).497-498/2026

UNION OF INDIA **...PETITIONER(S)**

VERSUS

ARIF NISAR @ SAHIL AND OTHERS ETC. **...RESPONDENT(S)**

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. The present Transfer Petitions have been preferred by the Union of India under Section 13(2) of the National Investigation Agency Act, 2008[1], read with Section 446 of the Bhartiya Nagarik Suraksha Sanhita, 2023 and Order XXXIX of the Supreme Court Rules, 2013, seeking transfer of the following cases along with all case records to the Special Court constituted under the NIA Act at Patiala House Court, New Delhi, and their clubbing with NIA Case No.RC-21/2025/NIA/DLI[2] registered under Sections 103(1), 109(1) and 61(2) of the Bharatiya Nyaya Sanhita, 2023[3], Sections 16 and 18 of the Unlawful Activities (Prevention) Act, 1967 and Sections 3 and 4 of the Explosive Substances Act, 1908 titled ***'National Investigation Agency vs. Umer Un Nabi and others'***:

(i) FIR No. 162/2025 dated 19.10.2025 registered at Police Station Nowgam, Srinagar, under Section 13 of the Unlawful Activities

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Reason:

[1] For short, 'NIA Act'
[2] Hereinafter referred to as 'Lal Qila Blast Case'
[3] For short, 'BNS'

(Prevention) Act, 1967 and Section 351(2) of the Bharatiya Nyaya Sanhita, 2023, now SIA/CI Kashmir re-registered case as FIR No.03/2025, PS-SIA/CI Kashmir *vide* Case No.05/2026/SIA/Srinagar, titled '***UT of J&K vs. Arif Nisar & Ors.'***, pending before the learned Additional Sessions Judge, TADA/POTA, Srinagar;[4] and

(ii) FIR No. 229/2025 dated 19.11.2025 (which is under investigation) registered at Police Station Dhauj, District Faridabad, Haryana, titled ***'State vs. Muzammil & Ors.'***, under Sections 113(3), 152, 196(2), 55 and 61 of the Bharatiya Nyaya Sanhita, 2023, and Section 18 of the Unlawful Activities (Prevention) Act, 1967, pending before the learned JMIC, Faridabad, Haryana.[5]

2. Mr. Raja Thakare, learned ASG, appearing for the petitioner would submit that all the cases arise out of a series of interlinked incidents forming part of a larger terrorist conspiracy aimed at carrying out terrorist attacks at multiple locations in India, allegedly orchestrated by the members associated with proscribed terrorist organisations. According to him, prior to the Lal Qila blast, provocative and inflammatory posters associated with the proscribed terrorist organisation Jaish-e-Mohammad (JeM) had been pasted in Srinagar, challenging the unity, integrity, security and sovereignty of India and advocating the secession of Jammu & Kashmir from the Union of India, for which, FIR No. 162/2025 dated 19.10.2025 was registered at Police Station

[4] Hereinafter referred to as 'J&K Case'
[5] Hereinafter referred to as 'Haryana Case'

Nowgam, Srinagar. During investigation by the Jammu & Kashmir Police, it was discovered that several accused persons were medical practitioners, some of whom were working at Al-Falah University, Faridabad, Haryana. Acting upon this information, the Jammu & Kashmir Police arrested Dr. Muzamil Shakeel and Dr. Shaheen Saeed from the said University. Basing on disclosures made during interrogation, prohibited weapons, live ammunition and a substantial quantity of explosive substances were recovered from various locations in Faridabad. During this period, accused Umer-un-Nabi escaped in a Hyundai i20 car bearing registration number HR-26E-7674, which was laden with explosives. Subsequently, he carried out the bomb explosion near Red Fort Metro Station on 10.11.2025, and in further investigation, it was found that the four accused persons arrested in the Nowgam case, were also involved in Lal Qila blast, and they were accordingly arrested in the NIA case on the strength of production warrants.

3. Similarly, further developments occurred when large quantities of explosives were recovered in Faridabad, which led the Haryana Police to register FIR No.229/2025 dated 19.11.2025 at Police Station Dhauj, Faridabad, against Javad Ahmad Siddiqui, Dr. Shaheen Saeed, Dr. Muzamil Shakeel, and Maulavi Mohammad Ishtiyak, for the offences as referred earlier in the preceding paragraph.

4. Basing on above facts, the learned ASG would submit that all the three cases are intricately connected and form part of one overarching conspiracy involving several common accused persons having links with proscribed terrorist organisation Ansar Gazwat-Ul-Hind and the cases collectively relate with each other, aimed at destabilizing national security and carrying out

terrorist acts across India. The Central Government has, therefore, issued further orders, on 24.12.2025, directing the NIA to take over the investigation of Haryana Case; and, on 16.01.2026, directing the NIA to take over the investigation of J&K Case.

5. Learned ASG would vehemently argue that since the three cases arise out of a larger conspiracy and involve common accused persons, common witnesses, and overlapping evidence, it would be expedient in the interests of justice that all the cases be tried together by a single Special Court.

6. Per contra, Mr. Shyam Divan, learned senior counsel, Mr. Siddharth Agrawal, learned senior counsel, Ms. Vrinda Grover, learned counsel and Mr. S. Debabrata Reddy, learned counsel, appearing for the respondents would oppose the prayers made in the Transfer Petitions. Mr. Shyam Divan would particularly oppose the prayer for clubbing of the cases.

7. The learned senior counsel for the respondents would refer to ***State (NCT) of Delhi vs. Khimji Bhai Jadeja***[6] to submit that the three cases are not part of a same transaction. Therefore, clubbing of the three cases is neither permissible nor can be considered at this premature stage.

8. The material papers made available before this Court would reveal that by order dated 24.12.2025, the Ministry of Home Affairs, Government of India, exercised powers under sub-Section (5) of Section 6 of the NIA Act, directing transfer of the Haryana Case to NIA to take up the investigation of the said case as a connected offence to NIA Case No.RC-21/2025/NIA/DLI (Lal Qila Blast Case). By a separate order dated 16.01.2026, a similar order has been

[6] 2026 SCC OnLine SC 19

issued transferring the J&K Case to NIA to take up the matter as a connected offence to NIA Case No.RC-21/2025/NIA/DLI (Lal Qila Blast Case). In both the orders, it has been mentioned that during investigation of the Lal Qila Blast Case, it has been found that the accused persons are also involved in the Haryana Case and the J&K Case. Therefore, in order to unearth the larger conspiracy, the cases are required to be thoroughly investigated by the NIA as all the cases are intricately connected and linked to the Lal Qila Blast Case.

9. It is also to be noted that when the accused persons are common, the witnesses are common and the evidence are overlapping, conducting separate trial in different States would lead to multiplicity of proceedings, duplication of evidence and the possibility of conflicting findings by different Courts. Considering the nature and gravity of the offence, there may exist a security risk to the accused persons, the witnesses and the officials as several accused persons are still absconding and repeated shifting of the accused persons between different States would create a serious security concern.

10. In the matter of ***National Investigation Agency New Delhi vs. Rahul @ Faisal Karim Masud & Ors.***[7], this Court *vide* order dated 04.06.2026 has transferred and clubbed cases arising at West Bengal to the Special Court (NIA Act) at Patiala House Court, New Delhi. Paragraphs 4 and 5 of the said order is reproduced hereunder:

> "**4.** G.R. No. 239 of 2026 arising out of FIR No. PS STF (HQ) Case No.09/2026 dated 8th March, 2026 registered by the STF, West Bengal Police under Section 21 of the I & F Act titled "State v. Rahul @ Faisal Karim Masud and Anr.", pending in the Court of the Additional Chief Judicial Magistrate, Bidhan Nagar, 24 Parganas North, West Bengal is transferred to the Special Court constituted under the NIA Act at Patiala House Court, New Delhi.

[7] Transfer Petition (Criminal) No.464/2026 decided on 04.06.2026.

> Records of Case No. NIL of 2026 be transferred to the transferee court immediately.
>
> **5.** The transferred case shall be clubbed along with NIA Case No.RC06/2026/NIA/DLI."

11. The judgment referred by the respondents in the case of ***Khimji Bhai Jadeja (supra)*** concerns offences committed in the same series of transactions. However, the petitioner herein, particularly the NIA, is not projecting the case at this stage, that the three cases are series of the same transaction, but their case is that there is a larger conspiracy and connectivity between all the three cases. Thus, in view of the facts and circumstances projected in these Transfer Petitions, it is permissible to direct clubbing of the three cases particularly for the reason that the petitioner alleges a larger conspiracy of disturbing peace and security of the country, and threatening unity and sovereignty. The clubbing of the cases is also necessary for the reason that although the incidents and investigation had taken place in different States on different dates, some of the accused persons, the witnesses, and the evidence may be common. Therefore, considering the overall circumstances, we direct clubbing of the three cases and transfer the cases as prayed for in the Transfer Petitions.

12. The Transfer Petitions are, accordingly, allowed.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SHREE CHANDRASHEKHAR)

NEW DELHI;
NOVEMBER 16, 2026.