

ITEM NO.16

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 : 16-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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

For Respondent(s) Mr. S.V. Raju, A.S.G.
Mr. B.K. Satija, A.A.G.
Mr. Samar Vijay Singh, AOR

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

1. Heard learned Senior Counsel for the petitioner as well as learned Additional Solicitor General of India on behalf of the respondent-State of Haryana, very briefly. Their respective submissions with reference to the scope of investigation in terms of the orders dated 21.05.2025 and 28.05.2025, passed by this Court, have been duly considered.

2. There is no gainsaid that the two FIRs registered against the petitioner bearing FIR No.146/2025, dated 17.05.2025, and FIR No.147/2025, dated 18.05.2025, are founded upon two social media posts made by the petitioner on 08.05.2025 and 11.05.2025. These media posts are in relation to the recent Indo-Pak escalations following the gruesome terrorist attack on the innocent tourists in Pahalgam.

3. After taking *prima facie* note of the contents of the two social media posts, this Court, through para 4 of the order dated 21.05.2025, allowed the investigation to continue for the purpose of a holistic understanding of the phraseology employed and for proper appreciation of some of the expressions used in those two online posts. For this purpose, SIT comprising of Senior Police Officers, were directed to be constituted, as with their experience and ability, they were expected to have a better understanding and appreciation of the contents of the two social media posts for the purpose of arriving at a conclusion as to whether such contents constitute an offence or not.

4. Since some apprehensions were expressed with respect to the scope of investigation, this Court on 28.05.2025, in no uncertain terms, directed that the investigation of the SIT shall be confined to the contents of the two FIRs, which are subject matter of these proceedings. It is, thus, obvious that what is required to be looked into by the SIT is whether the contents of the two social media posts, made by the petitioner, constitute any offence and if so, whether such attribution is referable to any provision of the penal law(s).

5. The Chairperson of the SIT has filed an Interim Report by way of an affidavit in which it is duly acknowledged that the petitioner has joined and fully cooperated with the ongoing investigation. It is further revealed that during the course of investigation, some electronic gadgets of the petitioner have also been seized and these devices "were deposited in Forensic Lab", from where the report has been received and its contents are being examined by the SIT.

6. Though it may not be expedient or desirable for us to comment on the manner in which the SIT has directed itself to proceed, we, however, deem it appropriate to remind the mandate contained in para 2 of our order dated 28.05.2025 and consequently direct the SIT to conclude its investigation with reference to the contents of the two social medial posts, as early as possible, but not later than four weeks.

7. Since the petitioner has already joined the investigation and handed over even his personal gadgets etc., it seems to us that it may not be necessary to summon the petitioner again for joining the investigation. Ordered accordingly.

8. Similarly, with a view to clarify the unfounded confusion sought to be created with reference to the conditions imposed in paras 6(i) and (ii) of the order dated 21.05.2025, we make it clear that the petitioner is at liberty to write any online post, article or express his opinion except that he shall not comment on the *sub judice* matters.

9. Post the matter for further consideration on 22.08.2025.

10. Interim directions against arrest of the petitioner shall continue to operate till further orders.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR