

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No.:-HCP No. 130/2025

Date of Pronouncement:-24.12.2025

Uploaded on: 29.12.2025

Arun Javed alias Aroon

.... **Petitioner(s)**

Through:- Mr. Anoop Parihar, Advocate.
V/s

UT of J&K and ors.

.....**Respondent(s)**

Through:- Mr. Suneel Malhotra, GA.

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

1. The petitioner in the instant petition filed under Article 226 of the Constitution of India seeks quashing of the detention order No. DMP/JC/2025-26/679-84 dated 12.06.2025 (*hereinafter referred to as "the impugned order"*) passed by the District Magistrate, Kathua-respondent 3 herein (*for short, "the detaining authority"*) under and in terms of the provisions of J&K Public Safety Act, 1978.
2. The petitioner has challenged the impugned order on multiple grounds urged in the petition.
3. *Counter affidavit* has been filed to the petition by respondent 3, wherein the petition is being opposed on the premise that the petitioner was ordered to be detained after due consideration of dossier received from the Senior Superintendent of Police, Kathua on 27.05.2025, as the petitioner was continuously and repeatedly involved in criminal activities, which were found to be prejudicial to the maintenance of public order and tranquility and that the

petitioner was found involved in FIR No. 98/2018 for offence under Sections 341/323 RPC registered with Police Station, Billawar, FIR No. 65/2019 registered under Sections 451, 504 & 506 RPC registered with Police Station, Billawar and FIR No. 52/2025 registered under Sections 126(2), 115(2) & 3(5) BNSS of Police Station, Billawar and that besides the said FIRs, multiple Istghasas/DDR reports were registered against the petitioner under Sections 126/136 BNSS at EMIC Billawar dated 07.05.2025 and that upon detaining the petitioner by the detaining authority, the grounds of detention, detention warrant and all other relevant documents consisting of 42 leaves were duly read over in English and explained to the petitioner in Dogri/Urdu language, which he fully understood and in lieu thereof, put his signatures on the execution report and that the petitioner and his father were also informed that the petitioner can file a representation against his detention.

Heard learned counsel for the parties and perused the record.

4. Notwithstanding multiple grounds urged in the grounds of challenge in the petition, learned counsel for the petitioner would confine the challenge to the ground that the detaining authority ordered the detention of the petitioner in terms of the impugned order without application of mind, overlooking the fact that two FIRs' out of three registered and challaned stand closed and settled before passing of the impugned order and that the said non-awareness of both the sponsoring agency as well as the detaining authority renders the impugned order legally

unsustainable, as otherwise also, there was no compelling reasons either recorded or has been existing for detaining the petitioner under preventive detention on the basis of the said settled FIRs’.

It is further stated by the learned counsel for the petitioner that even otherwise also the offences, the petitioner was found to be allegedly involved, covered in the FIRs’ as well as in the Istghasas/DDRs were not of that gravity and magnitude, which could said to have disturbed either public order or tranquility, warranting taking recourse to the preventive detention of the petitioner, as all the alleged offences in FIRs’ as well as in the Istghasas/DDRs are of pity nature besides beingailable.

It is further contended by the learned counsel for the petitioner that the detaining authority instead of proceeding under ordinary criminal law against the petitioner for the alleged criminal activities adopted a short-cut method while taking recourse to the provisions of the preventive law, which cannot, but said to be legally impermissible.

5. *On the contrary*, learned counsel for the respondents would heavily relied upon the counter affidavit filed to the petition in opposition to the submissions made by learned counsel for the petitioner and would insist that the petitioner was validly and lawfully detained on account of his repeated involvement in criminal activities, which had disturbed public order and tranquility.
6. Insofar as the aforesaid first plea of learned counsel for the petitioner is concerned, perusal of the detention record, in

particular, the dossier furnished by the sponsoring agency to the detaining authority as well as the grounds of detention manifestly reveal that both the sponsoring agency as well as the detaining authority has shown complete non-awareness about the settlement of the criminal cases covered in FIR Nos'. 98/2018 & 65/2019 registered against the petitioner, therefore, reflecting complete non-application of mind both by the sponsoring agency as well as the detaining authority, rendering the impugned order legally invalid.

7. Insofar as the aforesaid next plea urged by learned counsel for the petitioner is concerned, a closer examination of the record available on the file including the detention record produced by learned counsel for the respondents manifestly tends to show that the offences, which are alleged to have been committed by the petitioner and are covered in the impugned FIRs' are not of such gravity and magnitude, which by any sense of imagination can said to have caused disturbance to the public order and tranquility, in that, the offences are admittedly petty in nature besides being bailable having allegedly been committed against the private individuals.

Further perusal of the Istghasas/DDRs referred in the grounds of detention by the detaining authority would reveal that no substantial proceedings thereof had been initiated and concluded against the petitioner thereunder the same without any lawful justification, but merely a reference to the initiation of the proceedings under the said Istghasas/DDRs have been made both

by the sponsoring agency as well as the detaining authority in the dossier and the grounds of detention respectively.

8. In view of the aforesaid position obtaining in the matter, the only inescapable conclusion that could be drawn is that the impugned order does not sustain in law.

9. Viewed thus, for what has been observed, considered and analyzed hereinabove, the instant petition succeeds, as a consequence whereof, the impugned order No. DMP/JC/2025-26/679-84 dated 12.06.2025 is quashed with a direction to the respondents including the concerned jail authority to release the petitioner from preventive detention forthwith unless required in any other case.

10. *Disposed of.*

11. The detention record produced by learned counsel for the respondents is returned back in the open Court.

(JAVED IQBAL WANI)
JUDGE

JAMMU
24.12.2025
Ram Krishan

Whether the order is speaking?	Yes
Whether the order is reportable?	Yes/No