

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

***HCP No. 30/2024***

**Reserved on: 13.11.2025**

**Pronounced on: 24.11.2025**

**Uploaded on: 26.11.2025**

*Whether the operative part or full  
judgment is pronounced:- **Full Judgment***

**Nasir Ahmad Ganie**

...Petitioner(s)

Through: Mr. Arshid Andrabi, Advocate.

**Vs.**

**Govt. of Jammu & Kashmir & Anr.**

...Respondent(s)

Through: Mr. Hakim Aman Ali, Dy.AG.

**CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE**

**JUDGMENT**

1. The petitioner through the medium of present petition has challenged detention order bearing No.02/DMB/PSA/2024 dated 18.01.2024 ('impugned order'), passed by District Magistrate, Baramulla-respondent No.2, whereby the petitioner namely Nasir Ahmad Ganie (for short "the detainee"), has been placed under preventive detention with a view to prevent him from acting in any manner prejudicial to the security of the UT of J&K. The order is, purportedly, passed by the detaining authority in exercise of powers conferred under clause (a) of Section 8 of the J&K Public Safety Act, 1978.

2. The petitioner has contended that the impugned order has been issued without application of mind as the allegations mentioned in the grounds of detention have no nexus with the detinue and that the same have been fabricated by the police in order to justify its illegal action of detaining the detinue. It has been contended that the grounds of detention are vague and cryptic in nature and the same are based on stale incidents which have no proximate and live link with the detention order. It has been further contended that the safeguards provided under law have not been complied with in the instant case, inasmuch as whole of the material which formed basis of the impugned detention order has not been supplied to the petitioner.

3. Pursuant to notice, the respondents appeared through their counsel and filed their reply affidavit, wherein they have contended that the activities of detinue are highly prejudicial to security of the UT of J&K. It is pleaded that whole of the material relied upon by the detaining authority has been furnished to the detinue and the same was read over and explained to him and that the detinue was informed that he can make a representation to the Government as well as to the detaining authority against his detention. It is further contended in the reply affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the impugned order has been issued validly and legally.

4. For assailing the impugned order of detention, the learned counsel appearing for the petitioner, while reiterating the grounds

pleaded in the petition, laid much emphasis on the following grounds:-

- a. That, the grounds of detention are vague on the basis of which it was not possible for the petitioner to make an effective representation.
  - b. That, the detenue has been arrested on false and baseless grounds and has not been released after the expiry of the detention period, which is total misuse of power and violations of the fundamental rights guaranteed under the Constitution.
  - c. That, there has been non-application of mind on the part of the detaining authority, inasmuch as the grounds of detention are replica of police dossier.
  - d. That, the grounds of detention are vague, irrelevant and non-existent.
  - e. That, the grounds of detention which are the basis of the order of detention do not disclose any imminent threat to the security of UT of J&K or even public order.
- 5.** Learned counsel for the respondents, submits that the detaining authority not only considered the Police dossier but also other material placed on record and took a considered decision to invoke preventive detention against the detenue; that there are plausible reasons to order detention to prevent the detenue from taking part in the activities prejudicial to the security of State. He further argued that whole of the material relied upon was

supplied to the detainee, at the time of execution of the impugned order.

6. Heard learned counsel for the parties, perused the material available on record and considered.

7. So far as the grounds of challenge urged by learned counsel for the petitioner are concerned, it appears that the same does not hold any merit. A perusal of the grounds of detention reveals that there are allegations against the petitioner that he provided logistic support to the active terrorists particularly PoK based militant namely Usman and facilitated strengthening of network of HM/LeT outfits. It has been alleged that besides the above named militant, the petitioner was a close aide of two active terrorists namely Abid Qayoom and Mohd Umer, residents of Wussan Pattan, and was working as a mobilizing factor for terrorists in carrying out their nefarious designs. In the face of these specific allegations against the petitioner in the grounds of detention, it cannot be stated that the same are vague. The contention of the learned counsel for the petitioner in this regard is without any merit.

8. The ground relating to non-application of mind on the part of the detaining authority, that has been urged by learned counsel for the petitioner, is also without any substance. If we have a look at the dossier of the sponsoring agency and the grounds of detention, the same by no means can be stated to be in similar language. In the grounds of detention, the District Magistrate has, after noticing the background facts, clearly recorded his satisfaction that the activities of the petitioner are highly

prejudicial to the security of the UT of J&K. Even otherwise, mere fact that there is similarity in the contents of the dossier and the grounds of detention does not necessarily mean that there is non-application of mind on the part of the detaining authority. If from a perusal of the grounds of detention, it is otherwise shown that the detaining authority has applied its mind to the material for recording its satisfaction and has recorded its subjective satisfaction as to the imperative need of passing the order of detention, similarity in the language of dossier and the grounds of detention would pale into insignificance because mere reproduction does not necessarily prove non-application of mind by the detaining authority. In this regard, I am fortified by the judgment dated 01.04.2024 of the Division Bench of this Court in the case of **Jahangir Ahmad Wani vs. UT of J&K (LPA No.124/2023)**.

9. Observing that the object of preventive detention is not to punish a man for having done something but to intercept and to prevent him from doing so, the Supreme Court held in the case '**Naresh Kumar Goyal v. Union of India & Ors., 2005 (8) SCC 276**', and reiterated in the judgment in a case titled '**Union of India and another v. Dimple Happy Dhakad**' (AIR 2019 SC 3428), that an order of detention is not a curative or reformatory or punitive, but a preventive action, acknowledged object of which being to prevent anti-social and subversive elements from endangering the welfare of the country or security of the nation or from disturbing public tranquility or from indulging in anti-national activities or smuggling activities or from engaging in illicit traffic in

narcotic drugs and psychotropic substances, etc. Preventive detention is devised to afford protection to society. Rulings on the subject have consistently taken the view that preventive detention is devised to afford protection to society. The object is not to punish a man for having done something but to intercept before he does it and to prevent him from doing so.

10. The courts do not even go into the questions as to whether the facts mentioned in the grounds of detention are correct or false. The reason for the rule is that to decide this, evidence may have to be taken by the courts and that it is not the policy of the law of preventive detention. This matter lies within the competence of the advisory board.

11. For the foregoing reasons, this Court does not find any ground to interfere with the impugned order of detention. The present petition is found devoid of any merit, as such, is, **dismissed**.

12. Scanned copy of the detention record produced by the learned counsel for the respondents, be returned to him.

( M. A. CHOWDHARY )  
JUDGE

Srinagar  
24.11.2025  
Muzammil. Q

*Whether the order is reportable:*      *Yes / No*