

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

Reserved on: 26.11.2025

Pronounced on: 11.12.2025

Uploaded on: 11.12.2025

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

HCP No.113/2024

AZAD AHMAD TELI

...PETITIONER(S)/APPELLANT

Through: - Mr. Younis Ahmad, Advocate.

Vs.

U T OF J&K & ORS.

...RESPONDENT(S)

Through: - Mr. Waseem Gul, GA.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioner has challenged detention order No.18/DMP/PSA/24 dated 04.04.2024, issued by District Magistrate, Pulwama (for brevity "*detaining authority*"). In terms of the aforesaid order, ***Azad Ahmad Teli*** (for short "*detenue*") has been placed under preventive detention, in order to prevent him from indulging in the activities which are prejudicial to the security of the State.

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 detenue and that the same have been

fabricated by the police in order to justify its illegal action of detaining the detainee. It has been contended that the grounds of detention are vague, non-existent on which no prudent man can make a representation against such allegations. 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) Upon being put to notice, the respondents appeared through their counsel and filed their reply affidavit, wherein they have contended that the activities of detainee are highly prejudicial to the security of the State. It is pleaded that whole of the material relied upon by the detaining authority has been furnished to the detainee and the same was read over and explained to him and that the detainee 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. The respondents have produced the

detention record to lend support to the stand taken in the counter affidavit.

4) I have heard learned counsel for parties and perused the record.

5) Learned counsel for the petitioner, while seeking quashment of the impugned order, projected various grounds but his main thrust during the course of arguments was on the grounds that the grounds of detention are vague and cryptic, which prevented him from making an effective representation against his detention.

6) On perusal of the detention record produced by learned counsel for the respondents, the ground projected regarding vagueness of the averments made in the grounds of detention, appears to be forceful. In the grounds of detention, there is no mention of the particulars of the places and the identity of the terrorists of the banned terrorist organization Hizbul Mujahideen, to whom the petitioner was allegedly providing logistic support. The particulars of the period when the detinue is alleged to have provided logistic support to the terrorists are also not mentioned in the grounds of detention. Thus, the grounds, being vague and lacking in material particulars, the detinue could not have made an effective representation against his detention. Therefore, there has been violation of constitutional

guarantees envisaged under Article 22(5) of the Constitution. The detention order, as such, is illegal and unsustainable. In my aforesaid view, I am fortified by the judgments of the Supreme Court in the case of **Jahangirkhan Fazal Khan Pathan vs. Police Commissioner, Ahmadabad, (1989) 3 SCC 590, Abdul Razak Nane khan Pathan v. Police Commissioner, Ahmadabad, AIR 1989 SC 2265, Mohd. Yousuf Rather vs. State of J&K & Ors, 1979 4 SCC 370** and **Piyush Kantilal Mehta vs. The Commissioner of Police, Ahmedabad City and Ors. 1989 (1) Crimes 176 (SC).**

7) For the foregoing reasons, the petition is allowed and the impugned order of detention is quashed. The detinue is directed to be released from the preventive custody forthwith provided he is not required in connection with any other case.

8) The detention record be returned to the learned counsel for the respondents.

(Sanjay Dhar)
Judge

SRINAGAR

11.12.2025

"Bhat Altaf-Secy"

<i>Whether the order is speaking:</i>	<i>Yes/No</i>
<i>Whether the order is reportable:</i>	<i>Yes/No</i>