

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

Reserved on: 23.04.2026
Pronounced on : 30.06.2026

HCP No. 160/2025

Surjeet Singh

.....Petitioner

Through: Mr. Rajdeep Singh Thakur, Advocate

Vs

UT of J&K and others

..... Respondents

Through: Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT

01. Heard learned counsel for both sides.
02. Perused the writ record and the documents accompanied therewith. Also perused the detention record.
03. The petitioner – Surjeet Singh, acting through his wife – Rekha Devi, came forward with the institution of the present writ petition on **08.11.2025** being aggrieved of preventive detention custody imposed upon him by exercise of authority by the respondent No. 2 – Divisional Commissioner, Jammu under the Prevention of Illicit Traffic in Narcotic Drugs & Psychotropic Substances Act, 1988 (in short **“PIT NDPS Act, 1988”**).

04. The facts of the case read that as per the Sr. Superintendent of Police (SSP), Ramban, the petitioner was found indulgent in activities falling within the scope of mischief under the PIT NDPS Act, 1988 thereby warranting his booking for preventive detention.

05. The Sr. Superintendent of Police (SSP), Ramban by virtue of a letter **No.CB/DOSSIER/25/26340** dated **19.07.2025** submitted a dossier with respect to the petitioner to the respondent No. 2- Divisional Commissioner, Jammu thereby urging consideration and order for preventive detention of the petitioner.

06. On the basis of the material so provided by the Sr. Superintendent of Police (SSP0), Ramban, the respondent No. 2 – Divisional Commissioner, Jammu formulated the grounds of detention for the purpose of evaluating the material for subjective satisfaction as to whether a case is made out for subjecting the petitioner to suffer preventive detention custody.

07. In the grounds of detention, the respondent No. 2 – Divisional Commissioner, Jammu came to refer the petitioner as a notorious criminal/drug peddler/habitual offender indulging in sale and purchase of Illicit Traffic in Narcotic

Drugs and Psychotropic Substances and continuously active in transportation of drugs and drug trafficking thereby luring young generation in menace of drug addiction. In fact the petitioner has been identified in the grounds of detention as a principal dealer of narcotics drugs and psychotropic substances.

08. In the name of criminal antecedents of the petitioner, reference to criminal cases under **FIR No. 223/2024** of the Police Station Ramban, **FIR No. 14/2025** of the Police Station Ramssoo with respect to commission of offences under Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 came to be highlighted with a recital that for trial of a criminal case relatable to **FIR No. 233/2024**, the petitioner is on bail whereas with respect to a criminal case under **FIR No. 14/2015**, the petitioner is said to have been convicted and fined for Rs. 8,000/-. In addition, the Grounds of Detention refers four Daily Diary (DD) Entries of November, 2024 of Police Station Ramssoo to show case that the petitioner is indulging in the narcotic substances cases.

09. On the basis of the grounds of detention, the respondent No. 2 – Divisional Commissioner, Jammu came to pass order **No. PITNDPS 48 of 2025** dated **28.07.2025**

directing the detention of the petitioner and his confinement in District Jail, Poonch for a period to be specified by the Govt.

10. In furtherance of said detention order, the petitioner came to be taken into custody on **04.08.2025**, when PSI Anil Kumar No. 196712/EXJ of Police Station Ramsoo arrested the petitioner and handed over to him the compilation of 149 leaves related to issuance of detention order and is also said to have explained to the petitioner the contents of the detention warrant as well as the grounds of detention. The petitioner is said to have been informed about his right to make a representation against his detention to the Govt. as well as to the respondent No. 2 – Divisional Commissioner, Jammu.

11. The petitioner's detention case was forwarded to the Govt. for the sake of confirmation prior to which Advisory Board's opinion dated **20.08.2025** came to be solicited which held the detention of the petitioner on justifiable grounds, thus, paving way for issuance of **Govt. Order No. Home/PB-V/1640 of 2025** dated **27.08.2025** directing the petitioner's detention period for a period of one year with effect from **05.08.2025** to **04.08.2026**.

12. The petitioner, acting through his wife, came forward with a written representation dated **06.09.2025** submitted to the respondent No. 1 in terms whereof the detention was assailed to be misconceived warranting re-consideration.

13. The petitioner in his writ petition is assailing his detention order on the basis of the grounds as set out in para 4 (A) to (H). The petitioner asserts that there is no proximate cause between the alleged reported activities of the petitioner and consideration for subjecting him to suffer preventive detention custody. The petitioner submits that upto the time of filing of writ petition on **08.11.2025**, his representation had received no response from the end of the respondents.

14. The respondents in their counter affidavit have come defending the exercise of jurisdiction by the respondent No. 2 – Divisional Commissioner, Jammu in subjecting the petitioner to suffer preventive detention custody. Counter affidavit came to be filed on **27.01.2026**.

15. When this Court examines the plea of the petitioner as to whether his constitutional right of representation has been put to decor dustbin disposal, this Court comes across from the perusal of the detention record and also from the

affidavit filed from the end of the respondents that said aspect has been taken very casually as if making of a representation by a detainee is a wasteful exercise worth no attention and answerability to the detainee as well as to a constitutional court which being custodian of fundamental rights comes to be approached by a detainee suffering preventive detention custody.

16. The petitioner in para 5 of his writ petition has come forward with a categoric assertion that his representation dated **06.09.2025** has not been considered and responded to. This statement of fact was being made by the petitioner after he had suffered more than two months' custody from the date of making of representation by him.

17. On the other hand, in response to averment so made in para 5, the counter affidavit from the end of the respondent No. 2-Divisional Commissioner, Jammu says that representation filed by him before the respondent No. 1 was considered and disposed of.

18. If a Constitutional Court is being shown the courtesy of this much reply with respect to consideration and disposal of a representation of a detainee, then one can safely infer that how what respect a constitutional right of a

detenue guaranteed under article 22 of the Constitution of India is being given a dismissive treatment from the end none other than the detention order making authority as well as the Govt.

19. This singular flaw is good enough to quash the preventive detention of the petitioner but there is another flaw vitiating the preventive detention of the petitioner which is that the disposal of the petitioner's representation was taking place on **13.11.2025**, when the respondent No. 2 – Divisional Commissioner, Jammu was being apprised by the Home Department, Govt. of Jammu & Kashmir in terms of communication **No. Home/PB-V/455/2025/(7670426)** dated **13.11.2025** but in the counter affidavit being filed on **27.01.2026**, the respondent No. 2 is not even averring or annexing any such document to show that not only representation was considered within reasonable dispatch but apprised to the petitioner.

20. In light of the aforesaid serious procedural flaw related to the preventive detention of the petitioner, the same is held to be illegal.

21. Preventive detention **Order No. PITNDPS 48 of 2025** dated **28.07.2025** read with **Govt. Order No.**

Home/PB-V/1640 of 2025 dated **27.08.2025** are hereby quashed.

22. The petitioner is directed to be restored to his personal liberty by his release from the concerned Jail wherever he is kept detained, for which purpose the Superintendent of the concerned Jail to release the petitioner forthwith.

23. ***Disposed of.***

24. Detention record to be returned back to the counsel representing the respondents.

JAMMU
30.06.2026
Sneha



(RAHUL BHARTI)
JUDGE

सत्यमेव जयते

Whether the judgment is speaking :	Yes / No
Whether the judgment is reportable :	Yes / No