

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

HCP No. 167/2025

Mohd. Haneef

.....Petitioner

Through: Mr. Waheed Choudhary, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Mr. Dewakar Sharma, Dy. AG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(14.05.2026)

- 01.** Heard Mr. Waheed Choudhary, learned Advocate for the petitioner and also Mr. Dewakar Sharma, learned Deputy Advocate General for the respondents.
- 02.** The petitioner, through the medium of this petition, is assailing his preventive detention custody which came to be ordered by the respondent No. 2-District Magistrate, Rajouri, in terms of an **order No. DMR/PSA/05 of 2025 dated 21.05.2025** issued in exercise of power under **Section 8 of the J&K Public Safety Act, 1978** by reckoning the petitioner's state of

liberty with reported activities as being prejudicial to the maintenance of Public Order.

03. The case for preventive detention of the petitioner was sponsored by the Senior Superintendent of Police, (SSP), Rajouri who, in terms of his communication **No. PA/PSA/2025/8373-76/C** dated **18.04.2025**, had solicited the exercise of jurisdiction by the respondent No. 2-District Magistrate, Rajouri to issue the detention order against the petitioner.

04. Thus, the time gap between the submission of the dossier being **18.04.2025** and passing of the detention order on **21.05.2025** is more than one month and that is the name of urgency at the end of the District Magistrate, Rajouri in reckoning a person whose activities were being reported prejudicial to the maintenance of Public Order and for more than one month it was of no interest and concern to the District Magistrate, Rajouri that person's continuing state of activities would be bothersome on daily basis to the maintenance of Public Order.

05. Further compounding the laxity is that, upon issuance of detention order, it took District Police, Rajouri more than four months to locate the whereabouts of the

petitioner and detain him when the detention order came to be executed on **25.09.2025** meaning thereby from the date of dossier to the date of the petitioner's actual detention taking place, the petitioner was free for five months and in that state, the maintenance of Public Order remained vulnerable to suffer breach at the hands of the petitioner but it was not bothering the District Police as well as to the District Magistrate, Rajouri to figure as to why the execution of the detention warrant was not taking place.

06. This Court is thus, convinced that the very exercise for subjecting the petitioner to preventive detention custody was with a mechanical mindset for the purpose of record building rather than for the actual purpose of checking the petitioner from further indulging in alleged activities being prejudicial to the maintenance of the Public Order.

07. In the light of the aforesaid serious infirmity attending the very process and issuance of preventive detention order against the petitioner, this Court finds that the detention **order No. DMR/PSA/05 of 2025 dated 21.05.2025** passed by the District Magistrate, Rajouri read with approval/confirmation order passed by the

Government of J&K through Home Department, are illegal and are, accordingly, ***set-aside***.

08. The petitioner is directed to be released from preventive detention custody from the Central Jail, Kot Bhalwal, Jammu, forthwith. The Superintendent concerned to release the petitioner to his personal liberty.

09. The petition is accordingly, ***disposed of***.

JAMMU
14.05.2026
SUNIL

