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| <b>S.NO. 137</b><br><b>SUPPL. LIST</b> |
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**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

Reserved on: 19.02.2026

Pronounced on: 04.03.2026

**HCP No. 40/2025**

**Inayat Javeed Ganaie**

**.....Petitioners**

Through: Mr. Saiful Islam Malik, Advocate.

**Vs**

**Union Territory of J&K and others**

**.....Respondents**

Through: Mr. Furkan Yaqoob Sofi, GA.

**Coram : HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**JUDGMENT**  
**04.03.2026**

1. The petitioner-Inayat Javeed Ganaie, acting through his father-Javeed Ahmad Ganaie, is seeking issuance of a writ of habeas corpus by this Court for restoring the petitioner to his personal liberty by setting aside the preventive detention custody operating upon him under the J&K Public Safety Act, 1978.
2. The institution of present writ petition came to take place on **20.02.2025**.

**3.** The Senior Superintendent of Police (SSP), Pulwama, by virtue of his letter **No.CS/PSA/DPO/24/29-32** dated **04.09.2024**, submitted a dossier to the respondent No.2- District Magistrate, Pulwama thereby seeking preventive detention of the petitioner, in order to deter him from indulging in the activities i.e., disturbing public peace and anti-social activities, to be in the interest of the security of the UT of J&K.

**4.** The Senior Superintendent of Police (SSP) Pulwama in his one and a half page dossier came to refer the petitioner's involvement in three FIRs namely; (i) **FIR No. 117/2022 under sections 379 and 201 IPC** of Police Station Pulwama; (ii) **FIR No. 202/2022 under sections 341, 323, 34 IPC** of Police Station Pulwama; and

(iii) **FIR No. 02/2023 under sections 8/20 NDPS Act** also of Police Station, Pulwama.

**5.** Last adverse reference with respect to the petitioner's alleged objectionable state of activities in the dossier is the proceedings under **section 107/151 CrPC** initiated on **16.05.2024**.

**6.** On the basis of the aforesaid references, the petitioner was declared to be a case for suffering preventive detention custody particularly keeping in view the then scheduled Assembly Elections of 2024.

**7.** Acting on the basis of said dossier, the respondent No.2- District Magistrate, Pulwama made repeat of text of the dossier to formulate the grounds of detention on the basis whereof preventive Detention Order No. **36/DMP/PSA/24** dated **10.09.2024**

came to be passed thereby ordering the preventive detention of the petitioner to take place so as to prevent the petitioner from acting in any manner prejudicial to the security of the State.

**8.** The petitioner was directed to be arrested and kept detained in the Central Jail Jammu (Kot-Bhalwal).

**9.** The petitioner came to be taken into custody on **11.09.2024** when **ASI Amir Mehmood No. 349/PL, EXK-98390** of **DPL Pulwama** executed the detention warrant and handed over the petitioner to the Assistant Superintendent, Central Jail Jammu, (Kot-Bhalwal).

**10.** The petitioner in his writ petition has assailed his preventive detention custody on the basis of the grounds as set out in the paragraph 6(a) to (r).

**11.** The petitioner assails act of putting up of case for his preventive detention

from the end of the Senior Superintendent of Police (SSP), Pulwama and acted upon by the respondent No.2- District Magistrate Pulwama by stating that very fact that he was admitted to bail by the criminal courts of law by reference to criminal cases undergoing trial was kept withheld from being in the notice of the respondent No.2-District Magistrate, Pulwama. Otherwise the respondent No.2-District Magistrate, Pulwama would not have ventured to subject the petitioner to suffer the preventive detention custody by co-relating the petitioner's antecedents in the context of FIRs against him which have been booked under ordinary criminal/penal law of the Country.

**12.** When this Court makes a comparative reading of the dossier

submitted by the Senior Superintendent of Police (SSP), Pulwama vis-à-vis the grounds of detention formulated by the respondent No.2-District Magistrate, Pulwama for enabling passing of the Detention Order **No.36/DMP/PSA/24** dated **10.09.2024**, the fact comes out loud and clear that the petitioner's alleged state of activities were being reckoned to be a threat to maintenance of public order but the detention was being solicited and served by reference to the security of the State.

**13.** There is a quality difference between the activities of a prospective detenu which are to be counted as prejudicial to the security of the State/UT vis-à-vis the activities which are reckoned to be prejudicial to the maintenance of Public Order.

**14.** In fact, in the present case even if the petitioner's detention would have been ordered by reference to his activities being prejudicial to the maintenance of Public Order still then that detention would not have been salvageable on account of fact that the petitioner's alleged activities are in the realm of "Law and Order" scenario rather than maintenance of Public Order.

**15.** It is in this context that the very preventive detention of the petitioner right from inception by reference to his purported activities is found to be vitiated with illegality and frivolity which warrants to be quashed and is, accordingly, quashed. Preventive detention Order No. **No.36/DMP/PSA/24** dated **10.09.2024** read with consequent

approval / confirmation / extension order/s and also jail shifting order are all hereby quashed. The petitioner is directed to be released to his personal liberty forthwith by the Superintendent of the concerned Jail where-ever the petitioner is being held up in detention, be it inside UT of J&K or outside UT of J&K.

**16. Writ petition **disposed of.****

**(RAHUL BHARTI)**  
**JUDGE**

**Srinagar**  
04.03.2026  
Muzammil Q

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No