

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

Reserved on: 22.07.2026

Pronounced on: 31.07.2026

Uploaded on: 31.07.2026

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

HCP No.45/2025

UZAIR AMIN JAN

...PETITIONERS/APPELLANT(S)

Through: - Mr. Wajid Haseeb, Advocate.

Vs.

UT OF J&K AND OTHERS

...RESPONDENT(S)

Through: - Mr. Mohsin Qadiri, Sr. AAG, with
Mr. Haaris Khan, Assisting Counsel.

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

JUDGMENT

1) The petitioner, through the medium of the petition at hand, has sought quashment of order of detention bearing No.DMS/PSA/34/2024 dated 18.11.2024, issued by District Magistrate, Srinagar-respondent No.2, whereby detinue, namely, ***Uzair Amin Jan*** has been placed under preventive detention in order to prevent him from acting in any manner prejudicial to the security of the State.

2) In the petition, it has been contended that 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 detainee. It has been contended that grounds of detention are vague and non-existent, on the basis of which no prudent man can make an effective representation. It has been contended that the last alleged activity attributed to the detainee as per the grounds of detention has taken place in March, 2022 and thereafter no fresh activity has been attributed to him, as such, there is a delay of two years between the last alleged activity and the order of detention and this delay has snapped the proximity of the alleged activity and the order of detention. It has also been contended that the procedural safeguards 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 and that the representation filed by the petitioner against his detention has not been considered well in time. It has also been contended that the alleged fresh activities attributed to the detainee are vague lacking in material particulars, on the basis of which the petitioner could not make an effective representation against the impugned order of detention.

3) The respondents have contested the petition by filing their reply affidavit, wherein it has been contended that the activities of the detainee are highly prejudicial to the

security of the State. It has been contended that after examining the dossier carefully and after perusing the material, the detaining authority was satisfied that the detainee's activities are prejudicial to the security of the State and, accordingly, the impugned detention order was passed. It has been contended that whole of the material relied upon by the detaining authority has been furnished to the detainee and contents of the same were read over and explained to him; 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 the parties and perused record of the cases including the detention 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 ground that the grounds of detention

are vague and cryptic, which prevented him from making an effective representation against his detention.

6) Upon 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, it is mentioned that the detainee came into contact with active terrorists and OGW's of TRF who motivated him to work for the outfit as OGW for providing logistic support to them. It has also been mentioned in the grounds of detention that the petitioner had begun to encourage and motivate local youth to engage in anti-national activities and join the ranks of terrorists.

7) In the grounds of detention, there is no mention of the particulars of the places and the identity of the active terrorists and OGWs, with whom the petitioner came into contact for allegedly providing them logistic support. The identity of the local youth whom he motivated and encouraged to engage in anti-national activities and join the ranks of terrorists is not mentioned. The particulars of the period when the detainee is alleged to have contacted these terrorists and OGWs are also not mentioned in the grounds of detention. Thus, the grounds are vague, lacking in material particulars. On the basis of such ground the

detenue 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).**

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

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

(Sanjay Dhar)
Judge

SRINAGAR

31.07.2026

“Bhat Altaf-Secretary”

Whether the judgment is reportable: Yes/No