

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

HCP No. 86/2025

Pronounced on: 17.07.2026

Owais Farooq Lone through his Father

...Petitioner(s)

Through: Mr. S. T. Hussain, Sr. Advocate with
Ms. Nida Nazir, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Mohsin. S. Qadiri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

- 1.** Heard learned counsel for the petitioner as well as learned counsel for the respondents.
- 2.** Perused the writ pleadings and the documents annexed therewith. Also examined the detention record produced from the end of the respondents relating to the petitioner's detention.
- 3.** The petitioner-Owais Farooq Lone, upon being subjected to suffer preventive detention and getting lodged in the District Jail, Poonch, came forward with

the institution of the present writ petition acting through his father Farooq Ahmad Lone, thereby seeking this court to exercise habeas corpus jurisdiction under article 226 of the Constitution of India to order quashment of his preventive detention custody and restoring him to his personal liberty.

4. The respondent No.2-District Magistrate, Srinagar, acting on and in response to a dossier submitted by the respondent No.3-Senior Superintendent of Police, (SSP), Srinagar vide letter No. **LGL/Det/2025/14058-61** dated **28.04.2025**, felt convinced and satisfied that a case was made out for curtailing the personal liberty of the petitioner and ordering his confinement in order to prevent him from acting in a manner prejudicial to the security of the State by issuance of detention Order No. **DMS/PSA/09/2025** dated **29.04.2025** in exercise of powers under section 8 of the J&K Public Safety Act, 1978.

5. From the dossier of the respondent No.3-Senior Superintendent of Police, (SSP), Srinagar, the respondent No.2-District Magistrate, Srinagar framed

the grounds of detention on the basis whereof subjective satisfaction was drawn to hold that the petitioner's reported state of activities were prejudicial to the security of the State. In this regard, the petitioner came to be referred in the grounds of detention as a deeply influenced person by radical ideology coming in contact with active terrorists and OGWs of the banned outfit Hizbul Mujahideen (HM), thereby motivating him to work as an Over Ground Worker for providing logistic support. The petitioner has been introduced to be a hard-core fundamentalist and sympathizer of terrorists and also providing logistic support by making a detailed survey of the areas for carrying out terrorist acts upon security forces and the present free roaming of the petitioner necessitated his detention under the provisions of preventive laws to prevent disturbance in the area.

6. The petitioner's antecedent and involvement in a criminal case under **FIR No. 213 of 2018** of the Police Station, Pattan came to be highlighted with the petitioner being on bail in the said case but despite being given many opportunities not mending his ways.

The grounds of detention referred to purported fresh inputs against the petitioner in terms of Beat Reports dated **19.02.2024, 01.03.2024, 14.05.2024, 06.09.2024, 18.09.2024, 10.01.2025, 24.01.2025, 05.04.2025** and **25.04.2025**.

7. It is by reference to the aforesaid alleged state of activities of the petitioner that the petitioner came to be reckoned as a person worthy of suffering preventive detention custody.

8. Upon issuance of the detention warrant, its execution came to be carried out by SI Shagoof Ahmad of Police Station, Maisuma, who took the petitioner into custody on **03.05.2025** but before handing him over to the Superintendent, District Jail, Poonch delivered 23 leaves compilation which were read over in English and explained to the petitioner in Urdu/Kashmiri which is said to have been fully understood by the petitioner who was also apprised about the right to make a representation to the Government against the detention order.

9. By virtue of Government Order No. **Home/PB-V/796 of 2025** dated **06.05.2025**, approval came to

be granted to detention order No. **DMS/PSA/09/2025** dated **29.04.2025**, and the case was forwarded to the Advisory Board for its opinion which report came forward vide Opinion Report dated **21.05.2025** holding the petitioner's preventive detention to be on justifiable grounds and suffering from no procedural misstep or lacuna.

10. Before the Advisory Board could come forward with its opinion, the petitioner's place of custody came to be shifted from the District Jail, Poonch to the District Jail, Karnal, Haryana vide Government Order No. **Home/PB-V/910 of 2025** dated **11.05.2025**.

11. Acting on the basis of the Advisory Board's Opinion dated **21.05.2025**, the confirmation of the petitioner's preventive detention custody came to take place vide Government Order No. **Home/PB-V/1075 of 2025** dated **02.06.2025** and the petitioner was ordered to be kept in confinement in the District Jail, Karnal Haryana for the first six month period w.e.f. **03.05.2025** to **02.11.2025**.

12. The institution of this writ petition came to take place on **06.05.2025** wherein the petitioner is

assailing his preventive detention on the grounds as set out in para 5 (I) to (XIV).

13. The petitioner assails that the preventive detention imposed upon him is based upon grounds which are vague and baseless against which no effective representation was possible to be made from the end of the petitioner. It is asserted that there are no factual averments in the dossier as well as in the grounds of detention by reference to which the petitioner could be held to be indulgent in adverse state of activities prejudicial to the security of the State. The petitioner assails that reference to a criminal case of 2018 is misplaced and misconceived which by no stretch of imagination can have a live link with the petitioner's state of activities in the year 2025 or prior thereto so as to result in preventive detention custody visiting upon him. The petitioner submits that he was rendered disabled from making any representation against his detention because of non-cooperation by the Jail Authority of the District Jail, Poonch.

14. On the other hand, the respondents and in particular respondent No. 2-District Magistrate, Srinagar has come forward with a counter affidavit filed on **25.11.2025** with averments contesting the assertions of the petitioner and in the process defending the preventive detention order so slapped upon the petitioner.

15. When this court examines the grounds of detention to find out as to what was the live basis for the petitioner to suffer a case to be submitted by the respondent No.3-Senior Superintendent of Police, (SSP), Srinagar for preventive detention and which came to prevail upon the respondent No.2-District Magistrate, Srinagar, this court finds that it is only the Beat Reports of **19.02.2024, 01.03.2024, 14.05.2024, 06.09.2024, 18.09.2024, 10.01.2025, 24.01.2025, 05.04.2025** and **25.04.2025**.

16. The Beat reports by no stretch of reading and reference are hinting towards the petitioner's state of activities to that extent and effect as came to be portrayed in the dossier as well as in the grounds of detention. The Beat Reports are only referring to the

fact that the petitioner may disturb peace and order without stating as to by resorting to what sort of acts of omission or commission the petitioner was intending to carry out disturbance of public peace and order. The Beat Reports are as open-ended as anything can be read into them. If the Beat Reports being so submitted were of such a serious nature, then why was the piling up of reports waited for without first subjecting the petitioner to immediate security proceedings under the Bharatiya Nagarik Suraksha Sanhita, 2023.

17. There is no whisper on the part of the respondent No.2-District Magistrate, Srinagar as well as on the part of the respondent No.3-Senior Superintendent of Police, (SSP), Srinagar, to this aspect and there is a studied omission on the part of the District Police as well as the District Magistrate.

18. The fundamental right to personal liberty is not a paper-thin right at the disposal of a citizen which can be punctured by any pinprick at any point of time by subjecting the petitioner to undergo loss of a day,

week, month and year in the context of his personal liberty by keeping him jailed.

19. *Sine qua non* of exercise of preventive detention jurisdiction is the seriousness of a situation which has to self speak through the contents of the dossier and then through the grounds of detention. That seriousness is found to be inverse in the present case as both the dossier as well as the grounds of detention are so non-serious that the petitioner, or for that matter any other person in his place, would have no occasion even to conceive, much less make an effective representation against the preventive detention so visiting upon him. If the petitioner was of the profile as the dossier as well as the grounds of detention represent him to be, then by reference to the Beat Report of **19.02.2024**, he must have carried out some overt and covert act which ought to have immediately put the District Police on a course of action to prevent him from repeating the very same act on **01.03.2024** then on **14.05.2024** so on and so forth till the last Beat Report coming on **25.04.2025**. The purported reference to the Beat Reports is nothing but sham

references on the basis whereof preventive detention of the petitioner could not have been asked for much less granted.

20. In view of the aforesaid, this court holds preventive detention custody of the petitioner illegal. Accordingly, the detention order No. **DMS/PSA/09/2025** dated **29.04.2025** read with approval/confirmation/ extension order(s) passed by the Home Department, Government of Union Territory of Jammu and Kashmir are hereby quashed.

21. The petitioner is directed to be released from his preventive detention custody from the concerned Jail wherever the petitioner is kept detained and the Superintendent of the concerned Jail shall release the petitioner forthwith.

22. The detention record being in photostat form needs not be returned and is to be retained on the file.

23. Disposed of.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

17.07.2026

"Manzoor"

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No