

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

HCP No. 93/2025

Date of pronouncement:- 26.02.2026.

Uploaded on :- 04.03.2026

Feroz Ahmad Najar.

S/O Ali Mohammad Najar, R/O Chan Mohalla, Chandpora, Srinagar.

Th. his brother, Hilal Ahmad Najar.

..... Petitioner(s)

Through: -

Mr. S. T. Hussain, Sr. Advocate with

Ms. Nida Nazir, Advocate.

V/s

1. Union Territory of J&K, th.

Principal/Secretary, Home Department, J&K Govt.

Civil Secretariat, Srinagar/Jammu.

2. District Magistrate, Srinagar.

3. Senior Superintendent of Police, Srinagar.

4. Superintendent District Jail, Poonch, Jammu J&K.

..... Respondent(s)

Through: -

Mr. Mohsin Qadro, Sr. AAG with

Ms. Maha Majid, Assisting counsel.

CORAM:

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

JUDGMENT

26.02.2026

1. The petitioner in the instant petition filed under Article 226 of the Constitution has challenged detention Order No. DMS/PSA/10/2025 dated 29.04.2025 (for short “ the Impugned order”) passed by the respondent 2 herein (for short “the Detaining Authority”) where-under the petitioner has been detained under the Provisions of Section 13 of the Jammu and Kashmir Public Safety Act, 1978 (hereinafter referred to as “the Act”).

2. The impugned order has been challenged by the petitioner on multiple grounds urged in the petition.

3. Reply affidavit has been filed by the respondents to the petition wherein, the petition is being opposed on the premise that the petitioner came to be detained in terms of the order under challenge dated 29th April, 2025, as the petitioner had been got motivated and worked for the Al-Badr terrorist outfit and started sharing sensitive information regarding movement

of police and security forces in the area and in a short span of time became a staunch OGW of the area and a conduit of the said banned terrorist organization Al-Badr and that the petitioner had also been involved in multiple FIR's being FIR No. 20/2006, FIR No. 124/2006, FIR No. 52/2006, FIR No. 76/2006 and FIR No. 60/2006 registered with Police Station Harwan, Nigeen and Zookura respectively in which FIR's the petitioner though was bailed out, but the petitioner continued to indulge in unlawful activities with the terrorists and that the petitioner was also bound down under Section 109 Cr.P.C, and 107 Cr.P.C, on 23rd of January, 2024 and 6th May, 2024, besides under 126/BNSS on 06.09.2024, 25th January, 2025 and 15th March, 2025, while stating further that upon the detention of the petitioner all statutory and constitutional requirements and guarantees were duly fulfilled and complied with.

Heard learned counsel for the parties and perused the record.

4. Notwithstanding the multiple grounds of challenge urged in the petition by the petitioner, Mr. S. T. Hussain, Sr. counsel, appearing for the petitioner invited attention of this Court to the ground (G) urged in the petition and would contend that the detaining authority in the impugned detention order has stated that based upon dossier, furnished to it by Senior Superintendent of Police and "*other connected material*", the detention order came to be passed by the detaining authority, however the said "*connected material*" relied upon by the detaining authority was never furnished to the petitioner" depriving him of making an effective representation against his detention.

5. Mr. Hussain, would also invite the attention of this Court to the ground (K) urged in the petition and would contend that grounds of detention are vague, in that, the allegations leveled against the petitioner *qua*

his involvement and association with the terrorists of terrorist outfit of Al-badr organization are bereft of any specific details regarding the day, date, month or year, the petitioner has been allegedly involved in such terrorists and alleged terrorist activities, thereby rendering him incapable of making an effective representation against his detention on this score as well.

6. Having regard to the aforesaid specific grounds of challenge urged by the counsel for the petitioner, perusal of the detention record became imperative which has been made available by the counsel for the respondents.

7. Perusal of the said record in general and the execution report of the warrant of detention in particular available on the detention record admittedly, reveals that the petitioner stands furnished detention warrant, 1 leaf, grounds of detention (03) leaves, notice (01) leaf and dossier (05) leaves. The said execution warrant also provides that “*other relevant record*” consisting of 14 leaves also stands furnished to the petitioner, however, a closer examination of the detention record does not reflect as to what relevant record consisted of 14 leaves stands furnished to the petitioner and the said “*other relevant record*” probably is making a reference to the “*connected material*”, referred in the order of detention by the detaining authority which seemingly is either non-existent or has been merely referred in the order of detention and in the execution warrant.

8. Under these circumstances it cannot, but be said, that the petitioner has not been furnished “*said connected material*” or “*other relevant record*” consisting of 14 leaves rendering him incapable of making an effective representation.

9. Further perusal of the record available on the file in general and grounds of detention in particular indisputably refer to the activities of the

petitioner and his alleged involvement as an OGW with the active terrorists of the banned Al-Badr terrorist organization and also refers to his activities in motivating the youth to join unlawful activities besides preaching and spreading terrorist ideology however, no specific details of those active terrorists or else the time, date, month or year has been reflected in the grounds of detention, *qua*, the said activities which are attributed to the petitioner and are claimed to be prejudicial to the security of the State. Even the unlawful activities *qua* the motivating the youth, spreading terrorist ideology is non-specific and vague, without reflecting the particulars of the said youth or the date, time, month or year of the said activities.

10. In view of the aforesaid position obtaining in the matter, it cannot but be said that the grounds of detention are vague and non-specific, having rendered the petitioner incapable of making an effective representation against his detention.

11. Viewed thus, for aforesaid reasons, the impugned Order No. DMS/PSA/10/2025 dated 29.04.2025, is legally unsustainable.

12. Accordingly, petition is allowed and the impugned order is, quashed with the direction to the respondents including the concerned Jail authority to release the petitioner from preventive detention, unless is required in any other case.

13. The detention record produced by counsel for the respondents is returned back in the open Court.

(Javed Iqbal Wani)
Judge

SRINAGAR
26.02.2026.
"Abdul Rashid"

Whether approved for reporting? Yes/No