

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

Pronounced on : 29.06.2026

HCP No. 96/2025

Uneeb Naseer Mir

.....Petitioner

Through: Mr. Abdul Muizz, Advocate

Vs

UT of J&K and others

..... Respondents

Through: Ms. Maha Majid,

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

01. Heard learned counsel for both sides.
02. Perused the writ record and the documents therewith.
03. The institution of this writ petition taking place on **14.05.2025** is in terms of habeas corpus jurisdiction vested in this Court under article 226 of the Constitution of India whereby the petitioner – Uneeb Naseer Mir, acting through his Uncle – Mohammad Lateef Mir, is seeking quashment of preventive detention custody being suffered by him under the Jammu & Kashmir Public Safety Act, 1978.

04. The Sr. Superintendent of Police (SSP), Srinagar came to profile the alleged activities of the petitioner which were reckoned to be deserving preventive detention of the petitioner and, accordingly, a dossier accompanying letter **No. LGL/Det/2025/13234-37** dated **29.04.2025** came to be submitted to the respondent No. 2 – District Magistrate, Srinagar soliciting exercise of jurisdiction under the Jammu & Kashmir Public Safety Act, 1978 to order the preventive detention of the petitioner.

05. The respondent No. 2 –District Magistrate, Srinagar, on his part by a purported study of the dossier, came to formulate the grounds of detention thereby holding that the alleged reported state of activities of the petitioner was good enough to direct his preventive detention in order to prevent the petitioner from acting in a manner prejudicial to the security of the State.

06. Accordingly, order **No. DMS/PSA/17/2025** dated **03.05.2025** came to be passed by the respondent No. 2 – District Magistrate, Srinagar ordering the preventive detention of the petitioner and his confinement in the Central Jail Kot Bhalwal, Jammu.

07. The petitioner came to be taken into custody on **06.05.2025** and handed over to the Superintendent Central Jail Kot Bhalwal Jammu to be kept confined there to serve the period of detention which came to be approved and consequently confirmed and extended to last for full two years' detention period.

08. The preventive detention imposed upon the petitioner is a sequel to the previous detention order **No. DMS/PSA/150/2024** dated **15.11.2022** also passed by the respondent No.2 – District Magistrate, Srinagar in terms whereof the petitioner was ordered to be detained and was detained so as to prevent him from acting in a manner prejudicial to the security of the State.

09. The petitioner had come to challenge his preventive detention as effected in terms of the detention order **No. DMS/PSA/150/2024** dated **15.11.2022** in a writ petition **WP(Crl) No. 768/2022** which resulted in quashment of detention order **No. DMS/PSA/150/2024** dated **15.11.2022** by virtue of judgment dated **07.03.2024** and the petitioner was able to come out of his preventive detention custody to resume his day-to-day life as a free citizen of India

but only to come to be detained again in terms of detention order **No. DMS/PSA/17/2025** dated **03.05.2025**.

10. The petitioner has challenged his detention on the grounds as set out in para 6(a) to (n).

11. The challenge posed by the petitioner to his preventive detention proceeds on number of grounds essence of which is that his second time detention order is vindictive in nature and punitive in intent.

12. The respondents, in their counter affidavit filed on **25.07.2025**, came forward defending the preventive detention of the petitioner saying that on the basis of facts and circumstances the preventive detention of the petitioner was rendered indispensable.

13. Learned counsel for the petitioner has come up with a reliance on judgment of the Hon'ble Supreme Court of India in the case of "**Chhagan Bhagwan Kahaar Vs N. L. Kalna and others**" (1989)2 SCC 318 to emphasize the plea that without any intervening reportable acts of omission or commission on the part of the petitioner particularly post-quashment of his first preventive detention order, the petitioner was mechanically subjected to suffer second time preventive detention.

14. Learned counsel for the petitioner also refers to the judgment of the Hon'ble Supreme Court in the case of **"Ramesh Vs State of Gujarat and others" (1989)4 SCC 124** which is also pertaining to the requirement of basic materials in passing fresh order of detention for enabling entertainment of subjective satisfaction by detention order making Magistrate.

15. When this Court makes a comparative reading of previous detention order **No. DMS/PSA/150/2022** dated **15.11.2022** also passed by the respondent No. 2 herein— District Magistrate, Srinagar at the asking of Sr. Superintendent of Police (SSP), Srinagar, this court finds that there is no iota of difference between the grounds of detention in support of said previous detention order and the present detention order except that a stray and insignificant reference of Patrol Book of **26.04.2025** and GD Report of **26.04.2025** of Police Station Nowgam meaning to count as intervening developments for subjecting the petitioner to preventive detention custody.

16. The respondent No. 2 – District Magistrate, Srinagar has nowhere set out the contents of Patrol Book dated **26.04.2025** and GD report of **26.04.2025**, as to what

actually came to be reported therein qua the petitioner for enabling him to know that particular reported alleged state of activities on his part by reference to the aforesaid Patrol Book of **26.04.2025** and GD report of **26.04.2025** weighed heavily with the District Police and the District Magistrate, Srinagar to consider subjecting the petitioner to preventive detention so as to prevent him from acting in a manner prejudicial to the to the security of the State.

17. There is non-application of mind on the part of the respondent No. 2 – District Magistrate, Srinagar which is writ large on the face of the grounds of detention in support of the present impugned detention order wherein the respondent No. 2 – District Magistrate, Srinagar is referring to previous detention order **No. DMS/PSA/150/2022** by reference to date **15.11.2024** contrary to the actual date i.e. **15.11.2022** meaning thereby that it is the concern Clerk in the establishment of the respondent No. 2 – District Magistrate, Srinagar who was thinking and typing the grounds of detention for the respondent No. 2 – District Magistrate, Srinagar to sign as a matter of ritual and passing through motion rather than the application of mind of the respondent No. 2 – District Magistrate, Srinagar itself being active in authoring the grounds of detention otherwise such an

embarrassing error ought not to have occurred in the grounds of detention which are meant for consumption of reading of a detenu which in the present case is the petitioner.

18. Cumulative effects of the aforesaid scenario is that preventive detention **Order No. DMS/PSA/17/2025** dated **03.05.2025** read with read with approval/confirmation/extension orders passed by the respondent No. 1 are held to be illegal and, accordingly, quashed.

19. The petitioner is directed to be restored to his personal liberty by his release from the concerned Jail wherever he is kept detained, for which purpose the Superintendent of the concerned Jail to release the petitioner forthwith.

20. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR
29.06.2026
Opinder

Whether the judgment is speaking :	Yes / No
Whether the judgment is reportable :	Yes / No