

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

Reserved on: 04.08.2026

Pronounced on: 14.08.2026

Uploaded on: 14.08.2026

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

Full

HCP No.105/2025

SHABIR AHMAD GANIE

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Owais Ashraf, Advocate.

Vs.

UT OF J&K & OTHERS

...RESPONDENT(S)

Through: - Mr. Bikram Deep Singh, Dy. AG.

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

JUDGMENT

1) Through the medium of present petition, the petitioner has challenged detention order bearing No.DMB/PSA/01 of 2025 dated 19.04.2025, issued by District Magistrate, Budgam-respondent No.2, whereby detinue, namely, **Shabir Ahmad Ganie**, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the security of the State.

2) It has been contended that the allegations/grounds of detention are vague and mere assertions, on the basis of which no prudent man can make an effective representation. It has been contended that the allegations mentioned in the grounds

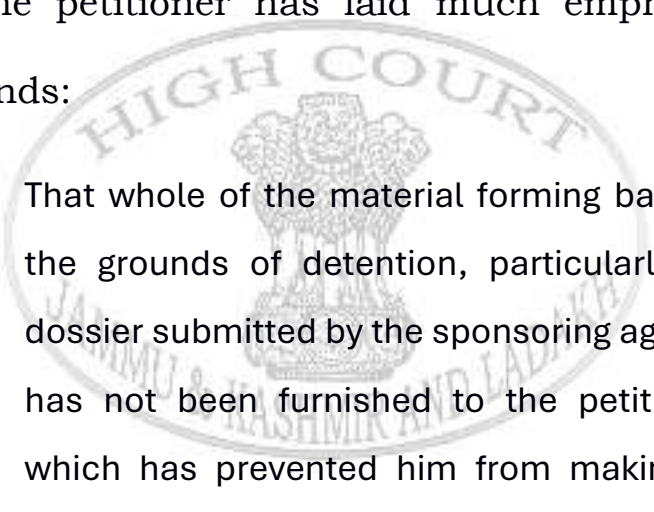
of detention have no nexus with the detenue and the same have been fabricated by the Police in order to justify its illegal action of detaining the detenue. It has been contended that no fresh activity has been attributed to the detenue in the grounds of detention after his release on bail in the year 2022. It has been contended that whole of the material which formed basis of the grounds of detention and consequent order of detention has not been supplied to the petitioner and that the representation filed by the petitioner against his detention has not been considered by the respondents.

3) The respondents, in their counter affidavit, have contended that the impugned detention order has been passed after the detenue was found to be repeated violator of law. It has been contended that the impugned order of detention has been passed by the detaining authority validly and legally after carefully examining the record/material. It has been further contended that whole of the material relied upon by the detaining authority while passing the impugned detention order has been furnished to the detenue and contents of the same were read over and explained to him. It has been contended that the detenue was informed that he can make a representation to the government as well as to the detaining authority against his detention. It has also been averred in the reply affidavit that all statutory requirements and constitutional guarantees have

been fulfilled and complied with by the detaining authority and that the order has been issued validly and legally and that the detention of the detainee has been ordered strictly in accordance with the provisions of J&K Public Safety Act. 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 case.

5) Although the petitioner has urged a number of grounds in the writ petition, yet during the course of arguments, learned counsel for the petitioner has laid much emphasis on the following grounds:

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- (I) That whole of the material forming basis of the grounds of detention, particularly the dossier submitted by the sponsoring agency, has not been furnished to the petitioner, which has prevented him from making an effective representation against the impugned order of detention.
 - (II) That the grounds of detention are vague, lacking in material particulars, on the basis of which it was not possible for the petitioner to make an effective representation against his detention.
 - (III) That the representation made by the petitioner against the impugned order of

detention has not been considered by the respondents.

6) With regard to the first ground, a perusal of the detention record would reveal that the petitioner has executed a receipt, which demonstrates that he has received (24) leaves in all, comprising copy of detention order, notice of detention and copy of grounds of detention, as also other relevant documents. These relevant documents include the copy of police dossier and the copy of FIR and other relevant material pertaining to FIR No.01 of 2020 of Police Station, Chadoora, as also the copies of complaints filed against the petitioner under Section 126 of BNSS/107 of Cr. P. C. Therefore, it cannot be stated that the petitioner has not been provided whole of the material which has formed the basis of grounds of detention. The contention of the petitioner in this regard is contrary to the material available in the detention record.

7) Regarding vagueness of the grounds of detention, it is to be noted that the detaining authority has observed that after release of the petitioner in FIR No.01/2020 Police Station, Chadoora, the petitioner did not curb his unlawful behaviour and he was subsequently bound down on 07.04.2022, 09.06.2022, 23.01.2023, 12.05.2023, 19.02.2024, 01.7.2024, 25.07.2024, 06.08.2024, 15.08.2024, 08.10.2024, 26.01.2025 and 18.03.2025, but he failed to mend his behaviour and continued to indulge in anti-national activities. Thus, there are

specific instances given in the grounds of detention with dates and particulars when the petitioner was bound down and asked to improve his behaviour, but because he failed to adhere to the conditions of the bonds executed by him, the detaining authority was compelled to pass the impugned detention order. All these complaints containing allegations regarding anti-national activities of the petitioner form part of the material which has been furnished to the petitioner. Therefore, it cannot be stated that the grounds of detention are vague. In fact, as per petitioner's own case, he has filed a detailed representation with the respondents against the impugned order of detention. In the said representation, he has not made any grievance either about non-supply of material to him or about vagueness of the grounds. The contention of the petitioner is, therefore, without any substance and the same deserves to be rejected.

8) As already stated, the petitioner has made a detailed representation dated 13.05.2025 against the impugned order of detention, which as per the detention record was sent by the Home Department to the Advisory Board vide their communication dated 19.05.2025. The Advisory Board considered the said representation on 22.05.2025 and rendered its opinion that the same deserves to be rejected. Thereafter, vide communication dated 19.06.2025, addressed by the Home Department to District Magistrate, Budgam, it was conveyed

that representation of the petitioner has been rejected. A copy of the said communication was also addressed to the Superintendent, District Jail, Kathua, who, it seems, has delivered and conveyed the result regarding disposal of the representation to the petitioner on 22.06.2025 itself. The receipt executed by the petitioner in this regard is available in the detention record. Thus, the contention of petitioner that his representation has not been considered by the respondents is belied from the record and, in fact, it is discernible from the record that the result of consideration of the representation has been duly conveyed to him.

9) For the foregoing reasons, I do not find any ground to interfere with the impugned order of detention. The petition lacks merit and is dismissed accordingly.

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

(Sanjay Dhar)
Judge

Srinagar

14.08.2026

“Bhat Altaf-Shergati”

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