

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

Date of Pronouncement: 10.03.2026

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HCP No.117/2025

KHALID SHOWKAT GANIE

...Petitioner/Appellant(s)

Through: Mr. Owais Ashraf Shah, Advocate.

Vs.

UNION TERRITORY OF J&K AND ORS.

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

10.03.2026

(ORAL)

- 1.** In the instant petition filed under Article 226 of the Constitution, petitioner herein seeks quashing of detention order No.19/DMA/PSA/DET/2025 dated 01.05.2025 (for short 'the impugned order') passed by respondent 2 (for short 'the detaining authority'), under and in terms of the provisions of J&K Public Safety Act, 1978.
- 2.** The impugned order has been challenged on multiple grounds urged by the petitioner in the instant petition.
- 3.** **Reply affidavit** to the petition has been filed by respondent 2 wherein the petition is being opposed *inter alia* on the premise that the petitioner came to be detained by the detaining authority after complying with all the statutory requirements and fulfilling Constitutional guarantee.

It is further stated that upon execution of the detention order, the petitioner came to be furnished the entire material relied upon by the detaining authority well within the statutory period and was also informed about his right to make a representation.

It is also stated that the grounds of detention and order of detention were read over to the petitioner and explained in the language he understood.

It is further stated that the Advisory Board opined in favour of the detention of the petitioner, as a consequence whereof, the order of detention came to be confirmed by the Government on 01.05.2025.

Heard counsel for the parties and perused the record.

4. Notwithstanding the multiple grounds urged by the petitioner in the petition, however, the counsel for the petitioner while making his submissions confined the challenge to the grounds that the detaining authority has shown its complete un-awareness about the acquittal of the petitioner in FIR No.164/2018 relied upon by the detaining authority by the court of competent jurisdiction on 13.08.2021 and also that no compelling reasons have been recorded by the detaining authority for detaining the petitioner.

Counsel for the petitioner would further contend that even though a representation came to be submitted by the petitioner against the detention order on 13.05.2025 yet, the same came to be disposed of by the respondents belatedly by non-speaking order.

5. On the contrary, the counsel for the respondents while opposing the submissions of counsel for the petitioner would heavily rely upon the

reply affidavit filed to the petition and would seek dismissal of the petition on the strength of the said reply affidavit.

6. Insofar as the aforesaid first plea raised by counsel for the petitioner is concerned, record bears testimony to the fact that the detaining authority indisputably has shown its complete unawareness about the acquittal of the petitioner in the FIR *supra* and has also in the process failed to record compelling reasons warranting preventive detention of the petitioner.

7. Insofar as the aforesaid next plea of counsel for the petitioner is concerned, perusal of the record available on the file admittedly tends to show that the representation of the petitioner stands disposed of yet by a non-speaking order thereby observing the Constitutional mandate contained under Article 22(5) in breach.

8. For the aforesaid reasons, the instant petition succeeds, as a consequence whereof, the impugned order No.19/DMA/PSA/DET/2025 dated 01.05.2025 is quashed and respondents accordingly are directed to release the petitioner from the preventive detention forthwith, provided he is not required in any other case.

9. Disposed of.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

10.03.2026

Ishaq

Whether the order is speaking ?

Yes/No

Whether approved for reporting ?

Yes/No