

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

Reserved on: **17.02.2026**

Pronounced on: **31.03.2026**

HCP No. 195/2024

Ghulam Nabi Wani

.....Petitioner

Through: Mr. Asif Wani, Advocate.

Vs.

Union Territory of J&K and Ors.

.....Respondents

Through: Mr. Hakim Aman Ali, Dy. AG

Coram : HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

- 1.** Heard learned counsel for the petitioner as well as for the respondents.
- 2.** Perused all pleadings of the case alongwith documents addressed from both sides and also perused the detention record.
- 3.** Petitioner Ghulam Nabi Wani, acting through his brother Mohd. Yousuf Wani is invoking habeas corpus

jurisdiction of this Court under article 226 of the Constitution of India for seeking restoration of his personal liberty by quashment of preventive detention order passed against him by the respondent No.2-District Magistrate, Baramulla under Jammu and Kashmir Public Safety Act, 1978. The institution of the writ petition is dated **27.05.2024**.

4. For the purpose of seeking preventive detention of the petitioner in order to check him from indulging in alleged activities prejudicial to the Security of the State, the Senior Superintendent of Police (SSP), Baramulla, by virtue of his letter **No. Lg1/PSA/2024/877-80** dated **06.04.2024**, had submitted a dossier thereby reporting the alleged state of activities of the petitioner to the respondent No.2-District Magistrate, Baramulla for subjecting the petitioner to preventive detention custody.

5. Acting upon said dossier, the respondent No.2-District Magistrate, Baramulla, by virtue of grounds of detention formulated, led himself to a subjective satisfaction that the petitioner renders himself to be

detained under the Jammu and Kashmir Public Safety Act, 1978 so as to prevent him from acting in any manner prejudicial to the maintenance of Security in the UT of Jammu and Kashmir.

6. Thus, by virtue of an order **No.32/DMB/PSA/2024** dated **20.04.2024**, the petitioner was ordered to be detained and kept in confinement in the Central Jail Kot-Bhalwal, Jammu for period to be specified by the Government.

7. In the grounds of detention, the petitioner came to be referred as a person involved in several criminal cases in district Baramulla and also previously subjected to preventive detention custody but still not getting deterred from indulging in objectionable activities. The adverse and criminal antecedents of the petitioner by reference to FIR **No.57/2016**, FIR **No.62/2016** and FIR **No.86/2016**, all of them being of Police Station Kreeri, came to be highlighted in the grounds of detention and further suspecting that the forthcoming National Elections of 2024 might suffer disruption the petitioner was reckoned to be detained.

8. The petitioner came to be taken in to preventive detention custody when ASI Sartaj Singh **No.136/A EXK-941443** of Police Station Kreeri took the petitioner into his custody on **23.04.2024**, wherefrom the petitioner is in a state of detention.

9. By virtue of Government Order **No. Home/PB-V/851/2024** dated **29.04.2024**, the detention order was approved, whereafter, Advisory Board's opinion dated **15.05.2024** came to be granted.

10. From the end of the petitioner, representation dated **02.05.2024** came to be submitted for seeking revocation/quashment of his preventive detention which was also put up before the Advisory Board only to suffer rejection whereas at the end of the Government, the petitioner's representation dated **02.05.2024**, was put to process of consideration.

11. Vide Government Order **No.Home/PB-V/1168/2024** dated **30.05.2024**, the petitioner's detention came to be confirmed for a period of six months at first instance from **23.04.2024** to

22.10.2024 with Central Jail Kot-Bhalwal, Jammu to be place of his confinement.

12. The preventive detention of the petitioner came to be extended from time to time by subsequent Government Order **No.Home/PB-V/656/2025** dated **21.04.2025** for the period **23.04.2025** to **22.10.2025**.

13. It is only on **26.09.2025** that the respondent No.2- District Magistrate, Baramulla, was apprised by Additional Secretary to Home Department Government of UT of Jammu and Kashmir vide communication **No.Home/PB-V/290/2024/7459854** dated **26.09.2025** that the fact of apprising the petitioner about rejection of his representation be taken up. This communication meant that up to **26.09.2025**, the petitioner and/or his family members were not apprised of the fate of representation dated **02.05.2024**.

14. It is on this singular ground that the petitioner's continuing preventive detention is rendered bad on account of delayed action at the end of the

Government as well as of the respondent No.2-District Magistrate, Baramulla, to apprise the petitioner about fate of his representation as such the preventive detention of the petitioner is hereby quashed.

15. Preventive detention order **No.32/DMB/PSA/2024** dated **20.04.2025** read with approval /confirmation/extension orders passed by the Government of UT of Jammu and Kashmir through its Home Department are hereby quashed.

16. The petitioner is directed to be restored to his personal liberty by the Superintendent of the concerned Jail, wherever the petitioner is held and confined

(RAHUL BHARTI)
JUDGE

Srinagar
31.03.2026
Opinder

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No