

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP 49/2026.

ARBAZ ALI BHAT.

...Applicant(s)/Petitioner(s)

Through: Mr. Wajid Mohammad Haseeb, Advocate.

VERSUS

Union Territory of J & K & Ors.

...Respondent(s)

Through: Ms. Rahilla Khan, Assisting Counsel vice
Mr. Mohsin S Qadri, Senior AAG.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
21.08.2026

1. Heard Mr. Wajid Mohammad Haseeb, learned counsel for the petitioner, and perused the writ pleadings from the end of the petitioner as well as from the end of the respondents.
2. The petitioner has come forward with the present petition filed on **21.05.2026**, seeking quashment of the preventive detention inflicted upon him by the respondent No. **2- the District Magistrate, Srinagar**, in terms of order No. **DMS/PSA/20/2026** dated **09.05.2026**, passed in exercise of powers under section 8 of the J&K Public Safety Act, 1978, in order to prevent the petitioner from acting in any manner prejudicial to the maintenance of public order.
3. Pursuant to detention order so passed, the petitioner came to be taken into custody on **13.05.2026** and is supposed to spend

a full one year of detention custody with phased extensions of his preventive detention custody.

4. A case for preventive detention of the petitioner was sponsored by the Senior Superintendent of Police (SSP), Srinagar, by virtue of his letter No. **LGL/Det-PSA/2026/5725-28** dated **14.03.2026**, thereby purportedly reporting in a dossier the alleged state of activities of the petitioner as being prejudicial to the maintenance of Public Order. *Per se*, the dossier does not identify or present the petitioner as a person having criminal antecedents. What was contained in the dossier for the consumption of the respondent No. 2- **District Magistrate, Srinagar** were the purported Beat Book Reports of Police Station Harwan pertaining to the following dates:

03.07.2025; 11.09.2025; 10.11.2025; 16.10.2025; 30.12.2025; 28.01.2026; 13.02.2026; 01.03.2026; and 02.03.2026, on the basis whereof, the respondent No. 2- **District Magistrate, Srinagar** was meant to be convinced by the Senior Superintendent of Police (SSP), Srinagar to order the preventive detention of the petitioner.

5. The Senior Superintendent of Police (SSP), Srinagar was purportedly acting with a sense of urgency in seeking detention of the petitioner as early as possible so as to prevent the petitioner from further prejudicing the maintenance of public order and that is the reason that, by reference to the last Beat

Report dated **02.03.2026**, the dossier came to be communicated vide letter dated **14.03.2026**.

6. However, at the end of the respondent No. **2- District Magistrate, Srinagar**, there was no such show and indulgence of sense of urgency for him to consider the petitioner's continuing state of personal liberty to be prejudicial to the maintenance of public order, otherwise, the respondent No. **2- District Magistrate, Srinagar** would not have consumed almost two months from the date of the dossier to come up with preventive detention Order **No. DMS/PSA/20/2026** dated **09.05.2026**. This time gap means that it was not at all bothering the respondent No. **2- District Magistrate, Srinagar** that for a period of almost two months the petitioner was in a state of personal liberty and freedom to keep on prejudicing the maintenance of public order. This is where the respondent No. **2- District Magistrate, Srinagar** has failed in the exercise of jurisdiction at his end in coming up with detention Order **No. DMS/PSA/20/2026** dated **09.05.2026**, which otherwise is having no iota of factual basis except the self-serving Beat Reports generated by the Police Station by reference to the petitioner about which the grounds of detention do not come up with any disclosure of the nature and import of the said Beat Reports.

7. In the light of the aforesaid, detention order **No. DMS/PSA/20/2026** dated **09.05.2026** is hereby quashed and the petitioner is directed to be restored to his personal liberty forthwith by his release from the jail wherever he is being kept in custody pursuant to detention order *supra*.
8. Accordingly, the petition stands ***disposed*** of.

(RAHUL BHARTI)
JUDGE

SRINAGAR
21.08.2026
Bisma Jan.

