

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

Reserved on : 07.02.2026.

Pronounced on : 31.03.2026.

HCP No. 140/2025

**Junaid Ahmad Sheikh, Aged 17 years
S/o Gh. Mohd. Sheih
R/o Chandigam, Anantnag
Presently at Chitgram Shopian
& District Shopian, Jammu & Kashmir
Through his Mother namely Shafeeqa Akhter
Aged 67 years
D/o Ali Mohd Ganie
R/o Chitgram, Shopian
& District Shopian, Jammu and Kashmir**

.....Petitioner

Through: Mr. Tariq M. Shah, Advocate

Vs

- 1. Union Territory of Jammu and Kashmir through
Commissioner/Secretary to Government, Home Department,
Civil Secretariat, Srinagar/ Jammu.**
- 2. District Magistrate/ Deputy Commissioner, Shopian.**
- 3. Senior Superintendent of Police, District Shopian.**
- 4. Jail Superintendent, District Jail, Jammu.**

..... Respondents

Through: Mr. Bikramdeep Singh, Dy. AG

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

01. Heard learned counsel for both sides.

02. Perused the writ petition and the annexures therewith and also the counter affidavit filed in response.

03. The detention record produced also scanned thoroughly.

04. The petitioner-Junaid Ahmad Sheikh, who is said to be a 17 years old at the time of institution of this writ petition on **26.05.2025**, filed through his mother – Shafeeqa Akhter, has come forward pleading quashment of preventive detention imposed upon him under the Jammu & Kashmir Public Safety Act, 1978 by virtue of an order **No. 06/DMS/PSA of 2025** dated **01.05.2025** passed by the respondent No. 2 – District Magistrate, Shopian in terms whereof the petitioner was order to be detained in order to prevent him from acting in a manner prejudicial to security of the State.

05. It is the Sr. Superintendent of Police (SSP), Shopian who had reckoned the alleged state of activities of the petitioner to be falling within the scope of mischief to be curbed under the Jammu & Kashmir Public Safety Act, 1978 and, therefore, by virtue of a dossier **No. PSA-Cell/SPN/19967-69** dated **29.04.2026** submitted the case

before the respondent No. 2 – District Magistrate, Shopian for ordering the preventive detention of the petitioner which came to be so ordered in response by virtue of the aforementioned detention order passed on the basis of purported grounds of detention.

06. The stated backdrop in which the petitioner was reckoned to be a case for being subjected under the Jammu & Kashmir Public Safety Act, 1978 is that the petitioner having got his initial schooling in Shimla upto 6th class had then joined Public High School Chitragam, district Shopian upto 7th class. The petitioner is said to be son of a surrendered militant but residing with his maternal uncle at Chitragam, district Shopian and right from his school days got influenced by harmful narratives to undergo radicalization and adopting extremist ideology and, therefore, acting as an information provider about the movements of the security forces which resulted in failure of many cordons and search operations of the terrorists who later on were found to be involved in killing of innocent people and many attacks on security forces.

07. The petitioner is said to have been one of co-conspirators by reference to **FIR No. 47/2018** registered by the Police Station Zainpora for alleged commission of offences under sections 13, 16, 38 Unlawful Activities (Prevention) Act, 1967 in which the petitioner being a juvenile was detained on **12.02.2019** at Juvenile Home, Srinagar to be later on released by Juvenile Justice Board, Shopian before which the case stands challaned on **24.11.2023**.

08. The petitioner upon attaining age of majority is said to be still active in spreading the agenda of LeT/HM outfits and motivating the youth towards joining militancy on the directions of terrorist handlers which constrained proceedings under sections 126/170 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 by the Executive Magistrate, Zainpora but despite that the petitioner is said to have not checked himself from acting in a prejudicial manner with respect to the security of the State.

09. The petitioner came to be arrested pursuant to the detention warrant which came to be executed by Inspector Showkat Ahmed, No. EXK-022645 of DPL, Shopian who took the petitioner into custody on **06.05.2025** and handed over

him to the Superintendent District Jail, Jammu by first delivering to the petitioner notice of the order and the grounds of detention and taking a receipt for the said compliance from the petitioner. The petitioner is said to have acknowledged the receipt of copy of notice, order of detention and grounds of detention alongwith dossier consisting of total 24 leaves and also acknowledging of the fact that he was apprised of his right to make a representation to the Government as well as to the detention order making authority.

10. It is from his said state of custody that the petitioner has come up with the present petition filed on **26.05.2025** assailing detention on the grounds as set out in para 4 in the writ petition by citing that the petitioner is still under 18 years of age and being subjected to preventive detention custody. The petitioner refers to the fact that the grounds of detention are vague and baseless besides being stale.

11. The petitioner has referred to the fact that his representation has not been decided by the respondents made against his detention and which detention is assailed

to be based upon no subjective satisfaction from the end of the respondent No. 2 – District Magistrate, Shopian.

12. The approval of the petitioner's preventive detention came to be accorded in terms of **Govt. Order No. Home/PB-V/831 of 2025** dated **06.05.2025** with the case recommended to the Advisory Board for its opinion.

13. Before coming forward with the institution of the present writ petition on **26.05.2025**, the petitioner being in the state of preventive detention custody had addressed a representation to the respondent No. 2 – District Magistrate, Shopian which came to be acknowledged as received vide receipt **No. 137/DCS** dated **15.05.2025** wherein the petitioner acting through his mother solicited revocation of his preventive detention.

14. Upon approval of the petitioner's preventive detention, the Govt. Submitted file to the Advisory Board, by virtue of communication **No. Home/PB-V/253/2025** dated **06.05.2025**, whereupon the Advisory Board came up with its opinion report dated **02.06.2025** with the opinion that the petitioner's detention was justifiable and that the representation submitted by him and also upon hearing the

petitioner in person on **02.06.2025** there was no good ground for holding that the petitioner's detention was unjustified.

15. On the basis of the Advisory Board's opinion, the preventive detention order of the respondent No. 2 - District Magistrate, Shopian came to be confirmed about which there is no recital made in the counter affidavit submitted on **09.07.2025** but from the detention record said **Govt. Order No. Home/PB-V/1237 of 2025** dated **13.06.2025** is available in terms whereof the petitioner has been directed to be detained at first instance for a period of six months with effect from **06.05.2025** till **05.11.2025** to be confined in District Jail, Jammu and said detention period is now surely in its extended spell.

16. From the end of the respondents, counter affidavit came to be submitted on **09.07.2025** stating therein that the petitioner's preventive detention was an unavoidable situation in hand of the District Police as well as District Magistrate, Shopian because of the alleged reported state of activities of the petitioner which if left unattended would have undermined security of the State.

17. Through the medium of counter affidavit, the learned counsel for the respondents argues vehemently that preventive detention of the petitioner is an effort to nip the evil in the bud.

18. When this Court examines the facts and circumstances of the case then what comes out in bold print is that *per se* impugned detention order is not accompanied with formal grounds of detention for enabling the petitioner to understand what was being delivered to him along with the detention order are the grounds of detention without any express reference made in that regard anywhere, whereas in the present case there is a long drawn narrative from the end of the District Magistrate, Shopian which is meant to be assumed to be the grounds of detention, without being stated to be so, wherein the District Magistrate, Shopian is going at length to quote the very purpose of the Public Safety Act, 1978, the judgment of the Hon'ble Supreme Court of India in the case of "Subharta Vs State of West Bengal, (1973) 3 SCC 250, article 22 of the Constitution of India, legal position with respect to preventive detention, settled position of law with respect to democracy governed by the rules of law, judgment of the Hon'ble Supreme Court of India in the case of "Naresh

Kumar Goyal Vs Union of India and others” (2005) 8 SCC 276, judgment in the case of “Hardhan Saha Vs State of West Bengal” (1975)3 SCC 198 and lastly judgment of this Court in the case of “Mian Abdul Qayoom Vs State of J&K and others” decided on 07.02.2020 and drawing excerpts from the aforesaid judgments to inflate the document so as to give it a semblance of grounds of detention without even naming it so.

19. This exercise at the end of the respondent No. 2 – District Magistrate, Shopian obviously is with a latent acknowledgment that otherwise but for the petitioner’s involvement in **FIR No. 47/2018** there is nothing fresh factual input to portray that the petitioner’s state of activities being in a state of personal liberty as prejudicial to the security of State.

20. In the dossier, the petitioner is said to be a class 7th drop out but in the so called assumed to be Grounds of Detention accompanying the impugned detention order, the petitioner is being referred to be an educated person to the extent of even knowing that routine laws of the land are not easily enforceable upon him due to various tangible reasons

and under the exploit of the same the petitioner turning himself into a notorious terrorist and managing Over Ground activities.

21. It did not occur to the respondent No. 2-District Magistrate, Shopian to first confirm the fact from the District Police, Shopian as to whether the proceedings under sections 126/170 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 initiated against the petitioner before the Executive Magistrate, Zainpora were ever taken to logical end with any final order passed so as to bind the petitioner with a personal as well as surety bond or was it only that proceedings were initiated and thus abandoned without being taken to logical end except to use as a pretext for preparing a case for seeking his preventive detention.

22. Thus, this Court finds that not only a stale ground by reference to **FIR No. 47/2018** was pressed into service but even vague ground has also been pressed against the petitioner to somehow subject him to preventive detention custody.

23. There is hardly any factual input worth name in the dossier as well as in the so called grounds of detention as to

when the petitioner came to be released from the juvenile confinement so as to attain his state of personal liberty in the course of which it was being reckoned by the District Police that the petitioner was indulging in activities prejudicial to the security of State. Without even knowing that period of personal liberty, the petitioner has been so painted as if his state of activities is so live and visible that it took no time for the District Police to take notice of the same and book the petitioner for preventive detention custody but still nothing in the dossier is in the name of factual content and context.

24. The Hon'ble Division Bench of this Court in an identically placed case of **"Tahir Riyaz Dar Vs UT of J&K and others"** in **LPA No. 121/2025** in terms of its judgment dated **06.11.2025** came to set aside the preventive detention of a person who was also a juvenile, first booked in FIR No. 46/2022 and upon his release by the order of the Juvenile Justice Board, Pulwama getting booked for preventive detention custody. The Hon'ble Division Bench by referring to the tests prescribed by the Hon'ble Supreme Court of India in the case of **"Ameena Begum Vs State of Telangana"** **(2023)9 SCC 587** came to quash the detention of said person.

25. The end situation of this Case cannot be, thus, different and the preventive detention of the petitioner also warrants to be set aside, which is, accordingly, set aside. The detention order **No. 06/DMS/PSA of 2025** dated **01.05.2025** passed by the respondent No. 2 – District Magistrate, Shopian read with approval/confirmation/extension order if any passed from the end of the Govt., are hereby quashed. The petitioner is directed to be restored to his personal liberty forthwith by his release from the jail concerned and to this effect the Superintendent of the concerned jail to ensure the release of the petitioner to his personal liberty.

26. Detention record to be returned back to the learned counsel for the respondents.

27. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR
31.03.2026
Opinder

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