

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

Pronounced on : 29.06.2026

HCP No.160/2025

Aqib Ahmad Regu

.....Petitioner

Through: Mr. Mujeeb Andrabi, Advocate.

Vs

UT of J&K and others

..... Respondents

Through: Mr. Furqan Sofi, GA.

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

01. Heard learned counsel for both sides.
02. Perused the writ record and the documents therewith.
03. The adjudication of this writ petition is going to determine as to whether the petitioner-Aqib Ahmad Regu shall continue to suffer preventive detention custody for its full two years' period or will come out earning restoration of his personal liberty by release from the prison.
04. The petitioner –Aqib Ahmad Regu, acting through his father – Ghulam Nabi Regu, filed this writ petition on **29.05.2025.**

05. In the writ petition, the petitioner is seeking quashment of preventive detention order operating upon him under the effects of the Jammu & Kashmir Public Safety Act, 1978.

06. The petitioner's alleged state of activities came to be profiled by the Sr. Superintendent of Police (SSP), Awantipora who submitted a dossier to the respondent No. 2 – District Magistrate, Pulwama whereby preventive detention of the petitioner was solicited alleging that his state of activities were and are prejudicial to security of the State.

07. The respondent No. 2 – District Magistrate, Pulwama came forward with issuance of an **order No. 19/DMP/PSA/25** dated **01.05.2025** in terms of section 8 of the Jammu & Kashmir Public Safety Act, 1978 directing the detention of the petitioner so as to prevent him from acting in a manner prejudicial to security of the State and his confinement to the District Jail, Kathua. Detention **order No. 19/DMP/PSA/25** dated **01.05.2025**, thus, resulted in arrest and detention of the petitioner.

08. The respondent No. 2 – District Magistrate, Pulwama rested issuance of his detention order on grounds of detention formulated in writing wherein the petitioner came to be referred as an OGW of a banned terrorist

organization Lashker-e-Toiba (LeT), from the possession of whom, some posters of said banned organization are alleged to have been recovered way back in the year 2021 resulting in implication of the petitioner in **FIR No. 65/2021** by the Police Station Khrew in which connection the petitioner was arrested in September, 2024 but later on came to be enlarged on bail. In addition, the petitioner's involvement in a criminal case under **FIR No. 44/2021** of the Police Station Pampore is also highlighted in terms whereof from the possession of the petitioner a recovery of 25 live rounds of AK-47 is said to have been allegedly effected. In this criminal case also, the petitioner is reported to have earned bail.

09. In the grounds of detention, it is recited that the petitioner had been subjected to proceedings under section 107 read with section 116(3) of the Code of Criminal Procedure, 1973 on **21.06.2024, 16.08.2024** and lastly to proceedings under section 126 read with section 170 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 on **30.12.2024** but still the petitioner was reckoned to be a case to be subjected to curtailment of personal liberty, though without any reported overt and covert act of omission and commission on his part to warrant subjecting him to suffer curtailment of personal liberty otherwise a guaranteed

fundamental right. The grounds of detention are the replica of the dossier to put it in simple terms.

10. The petitioner, in his writ petition, has questioned the exercise of jurisdiction on the part of the respondent No. 2 – District Magistrate, Pulwama in passing the detention order. In the grounds of challenge as set out in the petition, frontal challenge to the petitioner's detention is that detention order is based on irrelevant and extraneous considerations.

11. In his writ petition, the petitioner refers to the fact that previously also he was subjected to suffer preventive detention custody in which connection he came to earn quashment of his detention by the indulgence of the High Court of Jammu & Kashmir and Ladakh in terms of judgment dated **02.03.2024** passed in **LPA No. 277/2022** having arisen out of the writ petition **WP(C) No. 247/2022**. In this regard, the petitioner submits that the previous detention order proceeded on the same premise as in the present case.

12. This Court finds the present preventive detention of the petitioner seriously flawed for a singular reason that the Sr. Superintendent of Police (SSP), Awantipora in his dossier is nowhere referring to the fact about the petitioner's

previous preventive detention ordeal in the context that the petitioner was able to earn restoration of his personal liberty by taking the matter in appeal in **LPA No. 277/2022** which came to be allowed in his favour with a judgment dated **02.03.2024**.

13. Thus, if the purported proceedings under the Code of Criminal Procedure, 1973 and BNSS, 2023 of June, 2024, August, 2024 & December, 2024 were good enough facts to be cited by the Sr. Superintendent of Police (SSP), Awantipora in his dossier, surely the petitioner's previous detention order and its quashment by the Hon'ble Division Bench of the High Court of Jammu & Kashmir and Ladakh was a fact of most serious and stature nature which ought not to have suffered a miss of mention from the end of the Sr. Superintendent of Police (SSP), Awantipora to the respondent No. 2- District Magistrate, Pulwama who in turn ought to have also been more vigilant to know that previously from his very authority and order, the petitioner had been subjected to preventive detention ordeal.

14. The manner in which the previous preventive detention order aspect related to the petitioner has been totally washed out from the exercise relatable to the present preventive detention ordeal of the petitioner, it appears that

the establishment at the end of the Sr. Superintendent of Police (SSP), Awantipora and also at the end of the respondent No. 2 – District Magistrate, Srinagar, are not maintaining any record at their respective end to serve as a reminder as to whether a prospective detainee has a previous history of preventive detention imposed or not.

15. Keeping in view the aforesaid singular serious flaw attending the preventive detention of the petitioner, this Court holds the detention **order No. 19/DMP/PSA/25** dated **01.05.2025** passed by the respondent No. 2 – District Magistrate, Pulwama read with approval/confirmation/extension order passed by the respondent No. 1, all illegal and hence warranted to be quashed which are, accordingly, quashed.

16. The petitioner is directed to be restored to his personal liberty by his release from the concerned Jail wherever he is kept confined to which effect the Superintendent concerned to act in abidance.

17. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR
29.06.2026
Opinder

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