

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

Reserved on: 28.07.2026

Pronounced on: 14.08.2026

Uploaded on: 14.08.2025

*Whether the operative part or
full judgment is pronounced:*

Full

HCP No.199/2025

ATHAR MUSHT AQ KHAN

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Wajid Haseeb, Advocate.

Vs.

UT OF J&K & ANOTHER

...RESPONDENT(S)

Through: - Mr. Jahingeer Ahmad Dar, GA.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) Through the medium of present petition, the petitioner has challenged detention order bearing No.04/DMP/PSA/25 dated 30.04.2025, issued by District Magistrate, Pulwama, whereby the detinue, namely, ***Athar Mushtaq Khan***, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the security of the State.

2) It has been contended that the impugned order of detention is illegal, unconstitutional and bad in law and the same has been passed in breach of mandate of the law. It has been further contended that the detaining authority has not followed the constitutional and statutory procedural safeguards while issuing the impugned order of detention, inasmuch as

whole of the material that formed basis of the grounds of
HCP No.199/2025

detention, has not been furnished to the petitioner. It has been contended that grounds of detention are vague and non-existent, on the basis of which no prudent man can make an effective representation. It has been contended that the grounds of detention are entirely stale, remote and lack any proximate nexus with the alleged threat to security of the state. It has also been contended that the representation filed by the petitioner against his detention has not been considered as no result of consideration thereof has been conveyed to him.

3) The respondents, in their counter affidavit, have contended that the impugned detention order has been passed after proper application of mind. It has been further contended that the grounds urged by the petitioner in the petition are legally misconceived, untenable and without any merit. It has been averred that there is no vagueness or staleness in the grounds of detention and the same demonstrate complete picture of the activities of the detainee, which, on the face of it are highly prejudicial to the security of the State. It has been further averred that that whole of the material relied upon by the detaining authority while passing the impugned detention order has been furnished to the detainee and contents of the same were read over and explained to him. It has been further contended that the detainee was informed that he can make a representation to the government as well as to the detaining authority against his detention. It has been further contended

that in the reply affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the order has been issued validly and legally and that the detention of the detainee has been ordered strictly in accordance with the provisions of J&K Public Safety Act. The respondents have produced the detention record to lend support to the stand taken in the counter affidavit.

4) I have heard learned counsel for the parties and perused record of the case.

5) Although the petitioner has urged a number of grounds in the writ petition, yet during the course of arguments, learned counsel for the petitioner has laid much emphasis on the following grounds:

- (I) That previous detention order issued against the petitioner was quashed by this Court in terms of judgment dated 26.03.2024 passed in LPA No.276 of 2022, and thereafter it is not shown in the grounds of detention as to in what fresh activities the petitioner has indulged, which prompted the detaining authority to pass the impugned order of detention. It has been contended that the allegations made in the grounds of detention in this regard are vague, lacking in material particulars.

- (II) That whole of the material forming basis of the grounds of detention has not been furnished to the petitioner, which prevented him from making an effective representation against the order of detention.
- (III) That the representation made by the petitioner against the impugned order of detention has not been considered by the respondents.

6) Regarding the first ground, a perusal of the grounds of detention would reveal that it bears reference to involvement of petitioner in FIR No.41/2020 for offences under Section 13, 18, 49 ULA(P) Act registered with Police Station, Litter. It is noted in the grounds of detention that thereafter the petitioner was taken into preventive detention in terms of Order No.24 of 2022 dated 12.04.2022, and he remained in custody with effect from 18.04.2022 to 27.04.2024. It has been further noted in the grounds of detention that after his release from preventive detention, the petitioner again indulged in undesirable activities like providing food, shelter, clothing, transport and vital information to the terrorists in his capacity as OGW, which prompted the respondents to file complaints under Section 126/170 of BNSS on 16.08.2024, 14.01.2025 and 27.04.2025, whereafter he was released on bond. It is alleged that even after his release on bond, the petitioner chose to continue his vicious activities.

7) From the aforesaid assertions made in the grounds of detention, it is clear that there are allegations that the petitioner, even after his release from the preventive custody pursuant to quashment of his earlier detention order, continued to indulge in activities which were prejudicial to the security of the state. It has been specifically stated in the grounds of detention that as many as three complaints came to be filed by the respondents against the petitioner under Section 126/170 of BNSS on 16.08.2024, 14.01.2025 and 27.04.2025. The copies of these complaints stand furnished to the petitioner and as per these complaints, the respondents had received inputs that the petitioner is indulging in activities which pose threat to the security of the state.

8) Thus, before the detaining authority, there was sufficient material to record subjective satisfaction that preventive detention of the petitioner is imperative for safeguarding the security of the state. There are specific instances mentioned in the grounds of detention along with the dates on which the complaints against the petitioner came to be filed under the provisions of 126 and 170 of BNSS. Thus, it cannot be stated that the petitioner, after his release from preventive detention, has not indulged in any such activity or that the alleged activities of the petitioner are vaguely described in the grounds of detention. The contention of the petitioner in this regard is without any substance.

9) Next it has been argued that the petitioner has not been provided whole of the material forming basis of the grounds of detention, which prevented him from making an effective representation against his detention. In this regard, a perusal of the detention record would reveal that the petitioner has received 13 leaves comprising copy of detention warrant (01 leaf), notice of detention (01 leaf), grounds of detention (02 leaves), dossier (02 leaves), copies of complaints (02 leaves), copies of surety bonds (02 leaves), copy of FIR (02 leaves) and beat report (01 leaf). Thus, it cannot be stated that petitioner has not been provided with whole of the material that formed basis of the grounds of detention.

10) So far as the next ground of challenge projected by learned counsel for petitioner is concerned, it appears that the petitioner had made a representation dated 22.05.2025 before the District Magistrate, Pulwama. The detention record reveals that the representation of the petitioner has been decided by the said Authority on 22.05.2025 itself and an intimation in this regard has been given to the petitioner, which is evident from a copy of order dated 22.05.2025 on which the petitioner has affixed his signature. Thus, there has been no delay on the part of the respondents in considering the representation of the petitioner against the impugned order of detention. The contention of learned counsel for the petitioner is, therefore, without any substance.

11) For the foregoing reasons, I do not find any ground to interfere with the impugned order of detention. The petition lacks merit and is dismissed accordingly.

12) The detention record be returned to learned counsel for the respondents.

**(Sanjay Dhar)
Judge**

Srinagar

14.08.2026

"Bhat Altaf-Secretary"

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

