

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

Reserved on : 27.02.2026

Pronounced on : 02.04.2026

HCP No. 205/2025

**Tahir Abdullah Bhat, age 35 years
S/o Mohd Abdullah Bhat
R/o Kuhroo Langate, District Kupwara
Through his mothers
Mst. Mugli Begum, age 80
W/o Mohd. Abdullah Bhat
R/o Kuhroo Langate, District Kupwara**

.....Petitioner

Through: Mr. Imtiyaz Ahmad Sofi, Advocate

Vs

- 1. Union Territory of Jammu and Kashmir through Principal Secretary to Govt., Home Department, Civil Secretariat, Srinagar.**
- 2. District Magistrate, Kupwara**

..... Respondents

Through: Mr. Illyas Nazir Laway, GA

**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 petitioner – Tahir Abdullah Bhat, acting through his mother – Mst. Mugli Begum, came up with present writ petition filed on **16.06.2025** whereby the petitioner is seeking his release from preventive detention custody which came to visit upon him in terms of an **Order**

No. 11-DMK/PSA of 2025 dated **30.04.2025** passed by the respondent No. 2 – District Magistrate, Kupwara under the Jammu & Kashmir Public Safety Act, 1978.

04. Sr. Superintendent of Police (SSP), Handwara by his communication **No. Pros/Dossier/2025/2362-66** dated **27.04.2025** forwarded a dossier with respect to alleged state of activities of the petitioner found to be prejudicial to the security of UT of Jammu & Kashmir and, thus, solicited the respondent No. 2 – District Magistrate, Kupwara to pass a detention order upon the petitioner.

05. The dossier came up with the mention of criminal cases involving the petitioner and in this regard **FIR No. 328/2018** of Police Station Handwara, **FIR No. 337/2018** of Police Station Handwara & **FIR No. 243/2018** of Police Station Kupwara came to be referred along with facts and circumstances relatable to said three FIRs on the basis of which the petitioner came to be projected and portrayed as a hard core stone-pelter and sympathizer of terrorist promoting the subversive and secessionist feelings for curbing which the preventive detention of the petitioner under the Jammu & Kashmir Public Safety Act, 1978 was reckoned to be the last resort.

06. Acting on said dossier, the respondent No. 2 – District Magistrate, Kupwara reproduced verbatim same and re-named it as grounds of detention as a matter of show of having drawn subjective satisfaction therefrom so as to pass aforesaid detention **Order No. 11-DMK/PSA of 2025** dated **30.04.2025** thereby ordering the preventive detention of the petitioner in order to prevent him from acting in a manner prejudicial to the security of UT of Jammu & Kashmir and to be detained and kept in District Jail, Bhaderwah.

07. The petitioner came to be detained intervening **30.04.2025** to **01.05.2025** when ASI Mohd Amin, Belt No. 372/CR, PID No. EXK-961533 of PP Magam of Police Station Handwara came to arrest the petitioner and handed over his person to the Superintendent District Jail, Bhaderwah.

08. Approval to said detention order came to be granted in terms of Govt. **Order No. Home/PB-V/804 of 2025** dated **06.05.2025** whereupon the case was referred to the Advisory Board for its opinion which came to be tendered resulting in issuance of Govt. **Order No. Home/PB-V/991 of 2025** dated **22.05.2025** thereby confirming the detention of the petitioner and also fixing the first installment of detention period.

09. From his state of preventive custody, the petitioner came to address a written representation dated **14.05.2025** thereby seeking revocation of his detention.

10. The petitioner has questioned his preventive detention on the grounds as set out in para 3 (i) to (xviii).

11. In their counter affidavit filed on **19.09.2025**, the respondent No. 2 – District Magistrate, Kupwara has defended the preventive detention of the petitioner being based on substantial grounds and keeping in view the latest alleged reported state of activities of the petitioner found to be prejudicial to the security of UT of Jammu & Kashmir.

12. A comparative perusal of the dossier as well as the grounds of detention pressed into service against the petitioner would leave this Court with unmissable impression as if a single document has been replicated to count as two documents. Thus, be it the dossier as well as the grounds of detention, very reference of three criminal cases relatable to FIRs of 2018 is itself a pointer to the fact that by no stretch of claim the petitioner could be referred to be a potential case for suffering preventive detention custody by drawing a support from said three FIRs' related facts and circumstances which would surely qualify to be a stale reference.

13. Excluding said three FIRs, there is nothing in the grounds of detention as well as in the dossier in the name of facts and circumstances on the basis whereof the petitioner being reckoned to be a stone-pelter to the extent of posing a threat to the security of UT of Jammu & Kashmir as not even a single instance of the petitioner's involvement in a stone-pelting incident has been cited.

14. Against this type of feigned grounds of detention which literally amounts to bland and blank opinionated statement of the District Police as well as of the District Magistrate, a fundamental right of a person to personal liberty cannot be exposed to risk of suffering deprivation as has happened in the present case.

15. This Court cannot lend its approval to the continuing detention of the petitioner except taking it for granted that even if there is no factual basis, that too of current nature, still just on *ipse dixit* of District Police supplemented by the District Magistrate, a person can be asked to lose his life and liberty by serving a detention custody for whatever number of days same may last which in the present case is supposed to last for two years reckoning from **29th - 30th April, 2025** on which date the petitioner

claims to have been taken into custody pursuant to the impugned detention order.

16. In the light of the aforesaid, this Court finds that the detention order of the petitioner is illegal and warrants to be set aside.

17. Accordingly, detention **Order No. 11-DMK/PSA of 2025** dated **30.04.2025** read with approval/ confirmation/ extension order passed from the end of Home Department, UT of Jammu & Kashmir are also illegal and are, hereby, set aside.

18. The petitioner is entitled to be restored to his personal liberty and is, accordingly, directed to be released forthwith from the concerned jail wherever the petitioner is being confined in detention and to said effect the Superintendent concerned to act in compliance.

19. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

SRINAGAR
02.04.2026
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Whether the judgment is speaking :	Yes / No
Whether the judgment is reportable :	Yes / No