

Sr. No. 12
Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

HCP No. 209/2025

Syed Bilal Ahmad Geelani Through his Father

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

Through: Mr. Syed Sajad Geelani, Advocate

VERSUS

Union Territory of J&K And Ors.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

09.07.2026

1. The best opening which this Court can extend to present judgment related to preventive detention custody of the petitioner which is meant to be quashed is that the petitioner is a victim of sheer abuse of preventive detention jurisdiction vested in the respondent No. 2- District Magistrate, Kupwara.
2. This Court is even short of facts to cite in the sense that in the grounds of detention to serve **detention order No. 09-DMK/PSA of 2025** dated **30.04.2025** passed by the respondent No. 2- District Magistrate, Kupwara, the solitary

reference of adverse nature against the petitioner is by reference to **FIR No. 193 of 2010** of the Police Station Handwara.

3. This Court, in terms of an order dated **29.01.2026**, asked for an affidavit from the District Magistrate, Kupwara that on what sense of the fact reference was made about the petitioner's criminal antecedents relatable to **FIR No. 193 of 2010** of the Police Station Handwara by reference to which the petitioner had come to earn acquittal judgment from the Court of Additional Session Judge, Handwara by virtue of a judgment dated **29.09.2016** about which the District Magistrate, Kupwara in his grounds of detention is advertizing to the petitioner as an undertrial.

4. It appears that the Senior Superintendent of Police, (SSP) Handwara, in the matter of preparing the dossier against the petitioner for the purpose of being submitted to the District Magistrate, Kupwara, was acting in a blindfold manner and his footsteps came to be followed by the District Magistrate, Kupwara.

5. A judgment of acquittal returned by criminal court of land that too of a rank of Session Judge by no stretch of imagination can be held to have escaped the notice of the District Police and District Magistrate under the scheme of the Code of Criminal Procedure as well as Police Act and still the petitioner was being referred to as if an undertrial in the said case and thus potentially a mischievous person whose state of activities, by reference to his past indulgence, is going to be prejudicial to the security of the State.
6. The petitioner has already suffered more than one year custody by reference to this quality of non-existing material and cannot be made to suffer further incarceration. In this case, justice needs to be quick in reaching to the petitioner and, therefore, this Court holds **order No. 09-DMK/PSA of 2025** dated **30.04.2025** passed by respondent No. 2- District Magistrate, Kupwara as illegal and nullity which is, accordingly, quashed.
7. The petitioner is directed to be restored to his personal liberty forthwith from his release from the

place of confinement/jail wherever he is been held up and for this purpose Superintendent concerned Jail to set free the petitioner to his personal liberty.

8. The respondents are escaping the burden of suffering a verdict of compensation in favour of the petitioner against the respondents in view of the fact that the petitioner has not pleaded such relief in his writ petition otherwise it is a case where the compensation would have only done justice to the cause of the petitioner having suffered an utterly misconceived preventive detention custody losing almost one year of his precious life liberty behind prison.

9. Disposed of.

(RAHUL BHARTI)
JUDGE

SRINAGAR
09.07.2026
Akshil Dev