

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

Reserved on : 09.02.2026

Pronounced on : 01.04.2026

HCP No. 247/2025

**Umar Fayaz Mir, Aged 26 years
S/o Fayaz Ahmad Mir,
R/o Nadhihal Mir Mohalla, District Bandipora
Through his father
Fayaz Ahmad Mir,
S/o Gh. Qadir Mir,
R/o Nadhihal Mir Mohalla, District Bandipora**

.....Petitioner

Through: Mr. Imam Abdul Muizz, Advocate

Vs

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

..... Respondents

Through: Mr. Jahangir Ahmad Dar, 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 detention record produced also scanned thoroughly.

04. By virtue of an **Order No. 10/DMB/PSA of 2025** dated **07.05.2025**, the respondent No. 2 – District Magistrate, Bandipora, acting in exercise of jurisdiction under the Jammu & Kashmir Public Safety Act, 1978 directed the preventive detention of the petitioner in order to prevent him from acting in a manner prejudicial to the maintenance of Public Order which consequently led to the detention of the petitioner whereupon the petitioner came to be subjected to suffer one year detention period.

05. The institution of the writ petition took place on **10.07.2025** when the petitioner having been arrested with effect from **10.05.2025** had spent almost two months of custody in the detention.

06. The basis which has led to the detention of the petitioner is stated in the dossier wherein the petitioner is being referred in terms of its involvement in criminal cases starting from **FIR No. 24/2016** of the Police Station Aragam, **FIR No. 26/2016** of Police Station Aragam, **FIR No. 27/2016** of Police Station Aragam & **FIR No. 30/2020** of Police Station Aragam.

07. By cumulative reading of the petitioner's involvement in the aforesaid criminal cases, the petitioner came to be tagged as a as solid/strong propagator of banned ISJK terrorist organization with a criminal bent of mind advocating anti-national activities at various platforms in the district.

08. In this regard, even previous detention of the petitioner effected on **10.01.2021** in terms of **Order No. 2/DMB/PSA of 2021** dated **08.01.2021** passed by the District Magistrate, Bandipora came to be highlighted which detention came to be quashed in the writ petition **WP(Crl) No. 26/2021** by this Court in terms of judgment dated **29.12.2021** holding that the petitioner's alleged reported activities did not constitute as the one prejudicial to the maintenance of Public Order as the same was on the Law and Order side for which he was already undergoing a criminal trial.

09. In the previous detention, the same set of affairs were figuring to be read against the petitioner second time detention purpose and if the same did not hold good with respect to previous detention of the petitioner, then the present detention order also has to fail as it is a case of old

wine in new bottle without any independent material coming on record except generalized tagging of the petitioner.

10. Accordingly, this Court holds detention **Order No. 10/DMB/PSA of 2025** dated **07.05.2025** along with approval/confirmation order as illegal and are hereby quashed. The petitioner is directed to be released from preventive detention custody from the District Jail, Udhampur or whichever jail he is held confined for which purpose the Superintendent concerned jail to release the petitioner forthwith.

11. ***Disposed of.***

12. Detention record to be returned back to the counsel representing the respondents.

(RAHUL BHARTI)
JUDGE

SRINAGAR
01.04.2026

Opinder

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